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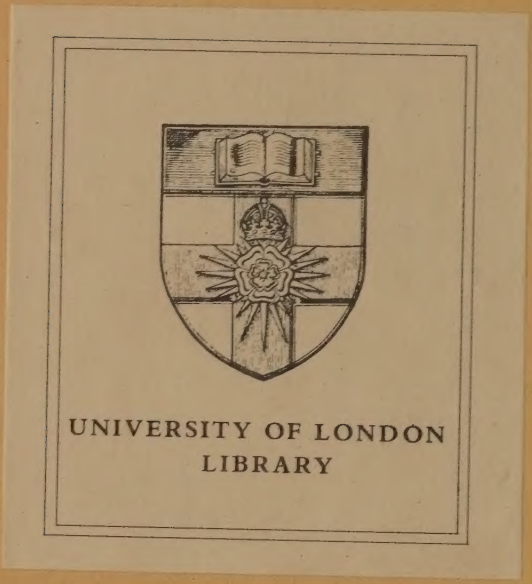

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B I L L S,

PUBLIC:

EIGHT VOLUMES.

—(8.)—

PRIZE COURTS [H.L.]

TO

ZANZIBAR INDEMNITY.

Session

12 *March* 1894 —— 25 *August* 1894.

VOL. VIII.

1894.

BIBL. LONDIN.

B I L L S:

1894.

EIGHT VOLUMES:—CONTENTS OF THE

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A

B I L L

INTITULED

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith. A.D. 1894.

[Note.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Prize Courts Act, 1894.

Constitution of prize courts in British possessions.

2.—(1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as herein-after mentioned being made in the possession.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3.) The said commission and warrant may either authorise a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, or may establish a Vice-Admiralty Court for the purpose of acting as a prize court. 53 & 54 Vict. c. 27.

(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A court duly authorised to act as a prize court during any war shall after the conclusion of the war continue so to act

A.D. 1894.

in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

Rules of court for and fees in prize courts. 27 & 28 Vict. c. 25.

3.—(1.) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, [and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.]

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

(3.) This section shall be substituted for section thirteen of the 27 & 28 Vict. Naval Prize Act, 1864, which section is hereby repealed.

[(4.) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, is authorised under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act.]

As to Vice-Admiralty Courts.

4. Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, [including fees and costs,] in a Vice-Admiralty Court, whether under this Act or otherwise.

Repeal of 39 & 40 Geo. 3. c. 79. s. 25.

5. Section twenty-five of the Government of India Act, 1800, is hereby repealed.

Prize Courts. [H.L.]

A

B I L L

INTITULED

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

(*Brought from the Lords* 9 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 11 *July* 1894.

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[*Price* ½*d.*]

[Bill 311.]

A

B I L L

TO

Amend the Procedure of Parliament in case of Disagreement between the Houses. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Procedure when a Bill is not passed by the House of Lords.

1. Whensoever a Bill, having passed the House of Commons, has not been passed, either in its original or in any amended form, by the House of Lords within *two months* from the date of its being passed by the House of Commons, then in such case, upon a resolution to that effect being passed in the House of Commons, the Bill shall be submitted to Her Majesty for Her Royal Assent, and when Her Majesty has given Her assent, such Bill shall have the force of law.

Procedure when a Bill is amended by the House of Lords.

2. When a Bill which has been passed by the House of Commons is agreed to with amendments by the House of Lords, the House of Commons may take these amendments into consideration, and may alter the Bill by amending or cancelling any of them ; and thereupon, upon a resolution being passed by the House of Commons to that effect, the Bill as so altered shall be submitted to Her Majesty for Her Royal Assent, and when Her Majesty has given Her assent, such Bill shall have the force of law.

Introductory language and effect of Acts passed under this Act.

3. Every Bill which acquires the force of law by virtue of this Act shall be expressed to be enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Commons, and by their authority, and shall for all purposes be deemed to be an Act of Parliament.

Short title.

4. This Act may be cited as the Parliamentary Procedure Reform Act, 1894.

[Bill 187.]

Procedure of Parliament Amendment.

A

B I L L

To amend the Procedure of Parliament in case of Disagreement between the Houses.

(*Prepared and brought in by Mr. Labouchere, Mr. John Ellis, and Mr. William Allen.*)

Ordered, by The House of Commons, *to be Printed*, 24 *April* 1894.

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[Bill 187.]

Public Buildings (London) Bill.

MEMORANDUM.

London Local Authorities, with three exceptions, have not now the power to purchase land for their public buildings, *except by agreement.*

Two exceptions are the School Board and the Asylums Board, who can purchase compulsorily under the Lands Clauses Act, after public inquiry and obtaining the consent of the Local Government Board, who make a Provisional Order, which has to be confirmed by Parliament.

Under the recent Act "parish councils" are given this power, and every local board also has it under the Public Health Act, 1875, and in one case in London (Woolwich parish) where the Public Health Act applies.

To avoid the delay and expense caused by the want of this power for all other London Local Authorities, this Bill provides that public buildings erected out of rates may be built in the most central and commanding position necessary for the convenience and the architectural adornment of the locality, on *freehold land.*

A

B I L L

TO

Enable London Local Authorities to acquire Freehold Land for Public Buildings.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):

Short title.

1. This Act may be cited as the Public Buildings (London) Act, 1894.

Extent of Act.

2. This Act shall extend only to London.

Definition of terms.

3. In this Act—

The expression "London" means the administrative county of London.

The term "local authority" means and includes the London County Council, any district council, vestry, district board, commissioners of public libraries, commissioners of baths and wash-houses, burial board, guardians of the poor, overseers of the poor, and every local authority having power to raise money by rates, or by precepts upon rating authorities in London.

"Public buildings" means municipal buildings, town halls, parochial offices, vestry halls, district board offices, public libraries, baths and wash-houses, burial grounds, workhouses, infirmaries, asylums, and all public buildings and offices built, or to be built, or maintained out of the rates or by precepts upon rating authorities in London.

"Land" shall extend to messuages, lands, tenements, and hereditaments of any tenure and includes any interest in land which the local authority may desire to acquire, in any existing public building and land occupied by them.

A.D. 1894.

Compulsory purchase of land. Regulations as to the purchase of land compulsory.

4. Every local authority in London for the purpose of providing sufficient public buildings for their use in their district may purchase any land and any right over land, and for that purpose—

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.

(2.) The local authority, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication of notices.

(*a*) Publish, during three consecutive weeks in the months of *October* and *November*, or either of them, in some local newspaper circulated in their district, an advertisement describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

Services of notices.

(*b*) After such publication serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(*c*) Such notice shall be served—

(*a*) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(*b*) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person.

Petition to Local Government Board.

(3.) Upon compliance with the provisions contained in this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their

A.D. 1894.

seal to the Local Government Board, praying that an order may be made authorising the local authority to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Local Government Board may from time to time require.

(4.) If on consideration of the petition and proof of the publication and services of the proper advertisements and notices, the Local Government Board think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public enquiry.

(5.) After such consideration and proof, and after receiving a report made upon any such enquiry, the Local Government Board may make the order prayed for, authorising the local authority to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served.

No order valid until confirmed by Parliament.

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Local Government Board, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament.

(7.) The Local Government Board, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses, of any persons whose land is proposed to be taken, of and incident to such application and inquiry respectively.

A.D. 1894.

Costs how to be charged.

(3) All costs, charges, and expenses incurred by the Local Government Board in relation to any order under this section shall to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the Local Government Board as aforesaid shall become a charge upon the funds of the local authority to which such order refers, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Public Buildings (London).

A

BILL

To enable London Local Authorities to acquire Freehold Land for Public Buildings.

(Prepared and brought in by Colonel Duncan, Mr. John Lubbock, Mr. Norman Pentland, Mr. Charles Pelly, Mr. James Stuart, Mr. Jacoby, and Mr. Cremer.)

Ordered, by The House of Commons, to be Printed, 16 March 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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[Price 1d.]

[57 & 58 Vict.]

[To be summoned if Bill previously delivered.]

Public Buildings (London) Bill.

AS AMENDED IN COMMITTEE.

MEMORANDUM.

London Local Authorities, with three exceptions, have not now the power to purchase land for their public buildings, except by agreement.

The exceptions are the School Board and the Asylums Board, who can purchase compulsorily under the Lands Clauses Act, after public inquiry and obtaining the consent of the Local Government Board who make a Provisional Order, which has to be confirmed by Parliament.

Under the recent Act "parish councils" are given this power and every local board also has it under the Public Health Act, 1875, and in one case in London (Woolwich parish) where the Public Health Act applies.

To avoid the delay and expense caused by the want of this power to all other London Local Authorities, this Bill provides that public buildings erected out of rates may be built in the most central and commanding position necessary for the convenience and the architectural adornment of the locality, on *freehold land*.

[To be substituted for Bill previously delivered.]

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable London Local Authorities to acquire Freehold Land for Public Buildings. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Short title.

1. This Act may be cited as the Public Buildings (London) Act, 1894.

Definition of terms.

2. In this Act—

The expression "London" means the administrative county of London.

The term "local authority" means any vestry, district board, commissioners of public libraries, commissioners of baths and wash-houses, burial board, guardians of the poor, overseers of the poor, and every local authority having power to raise money by rates, or by precepts upon rating authorities in London.

"Public buildings" means town halls, parochial offices, vestry halls, district board offices, public libraries, baths and wash-houses, burial grounds, workhouses, infirmaries, asylums, and all public buildings and offices built, or to be built, or maintained out of the rates or out of funds raised by precepts upon rating authorities in London, or wholly or partly by voluntary contributions.

"Land" shall extend to messuages, buildings, lands, easements, and hereditaments of any tenure.

Compulsory purchase of land.

3. Every local authority in London for the purpose of providing sufficient public buildings for their district, or of acquiring the freehold of, and the other interest, if any, in any existing public

A.D. 1894.

building or land occupied by them, may purchase any land, and for that purpose—

Regulations as to the purchase of land compulsory.

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same shall be incorporated with this Act, except the provisions relating to access to the special Act, and section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845; and in construing those Acts for the purposes of this section, the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority.

(2.) The local authority, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication of notices.

(*a*) Publish once at least in each of three consecutive weeks in the month of September, October, or November in some newspaper circulated in their district, an advertisement describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity, or giving a description, of the land that they require; and shall further,

Services notices.

(*b*) In the month following such publication serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(*c*) Such notice shall be served—

(*a*) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(*b*) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person.

Petition to Local Government Board.

(3.) Upon compliance with the provisions contained in this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition to the Local Government Board, praying that an order may be made authorising the local authority to put in force the powers of the said Acts with respect to the purchase and

taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Local Government Board may from time to time require. A.D. 1894.

(4.) If on consideration of the petition and proof of the publication and services of the proper advertisements and notices, the Local Government Board think fit to proceed with the case, they shall direct a local inquiry as to the propriety of assenting to the prayer of such petition.

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Local Government Board may make the order prayed for, authorising the local authority to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served. The Order shall not require to be confirmed by Act of Parliament.

(6.) Sections two hundred and ninety-four, two hundred and ninety-five, two hundred and ninety-six, two hundred and ninety-seven, and two hundred and ninety-eight of the Public Health Act, 1875, and section eighty-seven (5) of the Local Government Act, 1888, relating to inquiries, Provisional Orders of the Local Government Board, and the costs in respect of such inquiries and Orders shall apply as if they were herein re-enacted, and in terms made applicable to this Act.

Exempting Lincoln's Inn.

4. Nothing in this Act contained shall extend to the extra-parochial places of Lincoln's Inn, Inner Temple, Middle Temple, and Gray's Inn.

[To be substituted for Bill previously delivered.]

Public Buildings (London).

A

B I L L

[AS AMENDED IN COMMITTEE]

To enable London Local Authorities to acquire Freehold Land for Public Buildings.

(*Prepared and brought in by Colonel Hughes, Sir John Lubbock, Sir Algernon Borthwick, Sir Charles Dilke, Mr. James Stuart, Mr. Jacoby, and Mr. Bousfield.*)

Ordered, by The House of Commons, *to be Printed*, 23 *May* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 243.]+–

A

B I L L

TO

Amend "The Public Houses, Hours of Closing (Scotland) Act, 1887."

A.D. 1894.

WHEREAS it is expedient to amend the Public Houses, Hours of Closing (Scotland) Act, 1887:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of section 10 and of the schedule of 50 & 51 Vict. c. 38.

1. In section ten of the Public Houses, Hours of Closing (Scotland) Act, 1887, the words "and shall not apply to any burgh, "town, or populous place containing fifty thousand inhabitants "and upwards" and the schedule to the said Act shall be and are hereby repealed.

Grocers, &c. not to keep open house after prescribed hours.

2. In section four, sub-section *c.*, of the Public Houses, Hours of Closing (Scotland) Act, 1887, the words enacted to be inserted in the "certificate for dealers in exciseable liquors and grocers and provision dealers trading in exciseable liquors," and of certificates for table-beer licenses, shall be amended by the insertion of the words "keep open house or" between the words "and do not" and the words "traffic or in or give out therefrom any liquors "before eight of the clock in the morning, or after such hour at "night of any day not earlier than ten and not later than eleven "as the licensing authority may direct," ordered in the said sub-section to be inserted in the said certificates.

Short title.

3. This Act may be cited for all purposes as the Public Houses, Hours of Closing (Scotland) Act, 1887, Amendment Act, 1894.

Public Houses (Hours of Closing) (Scotland).

A

B I L L

To amend "The Public Houses (Hours of Closing) (Scotland) Act, 1887."

(*Prepared and brought in by*
Sir Charles Cameron,
Mr. John Wilson (Govan), *Mr. Hunter,*
Sir John Leng, and Mr. Beith.)

Ordered, by The House of Commons, *to be Printed,*
21 *March* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 118.]

Public Libraries (Ireland) Acts Amendment.

ARRANGEMENT OF CLAUSES.

Adoption of Act and Constitution of Library Authority.

Clause.

1. Extent and application of Act.
2. Limitations on expenditure for purposes of Act.
3. Proceedings for adoption of Act.
4. Act when adopted to be executed by library authority.
5. Constitution of commissioners for executing Act in parliamentary polling district.
6. Commissioners to be a body corporate.
7. Rotation of commissioners.
8. Meetings of commissioners.
9. Proceedings of commissioners to be recorded.
10. Power of neighbouring parliamentary polling districts to combine.
11. Power to annex parliamentary polling district to adjoining library district.

Execution of Act.

12. Provision of libraries, museums, and schools of science and art.
13. Provision as to acquisition and disposal of land.
14. Power to grant charity land for purposes of this Act.
15. Vesting of property in library authority.
16. Management of libraries, &c. by library authority or committee.
17. Power to library authorities to make agreements for use of library.
18. Power to library authority to accept parliamentary grant.

Financial Provisions.

Clause.
19. Expenses of library authority how defrayed.
20. Borrowing by library authority.
21. Accounts and audit.

Supplemental Provisions.

22. Adjustment of interests on termination of agreement.
23. Definitions.
24. Repeal.
25. Saving as to local Acts.
26. Short title.

SCHEDULES.

A

B I L L

TO

Amend the Public Libraries (Ireland) Acts.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Adoption of Act and Constitution of Library Authority.

Extent and application of Act.

1.—(1.) This Act shall extend to every library district for which it is adopted.

(2.) For the purposes of this Act and subject to the provisions thereof every urban district and every parliamentary polling district in Ireland which is not situate within an urban district shall be a library district.

(3.) Where a parliamentary polling district lies partly within and partly without an urban district, this Act shall have effect as regards any such parliamentary polling district within the urban district and such portion as is without the urban district as if each were a separate library district.

(4.) Every urban district shall for the purposes of this Act be deemed to be an urban sanitary district within the meaning of the Acts relating to the public health in Ireland, and every parliamentary polling district which lies wholly or partly outside an urban district shall be deemed to be a rural sanitary district within the meaning of the said Acts.

Limitations on expenditure for purposes of Act.

2.—(1.) A rate or addition to a rate shall not be levied for the purposes of this Act for any one financial year in any library district to an amount exceeding *one penny* in the pound.

(2.) This Act may be adopted for any library district, subject to a condition that the maximum rate or addition to a rate to be levied for the purposes of this Act in the district or in any defined portion of the district in any one financial year shall not exceed *one halfpenny* or shall not exceed *three farthings* in the pound, but such limitation if fixed at one halfpenny may be subsequently

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raised to *three farthings*, or altogether removed, or where it is for the time being fixed at three farthings may be removed.

Proceedings for adoption of Act.

3. With respect to—

(*a*) the adoption of this Act for any library district; and

(*b*) the fixing, raising, and removing of any limitation on the maximum rate to be levied for the purposes of this Act; and

(*c*) the ascertaining of the opinion of the voters with respect to any matter for which their consent is required under this Act;

the following provisions shall have effect; that is to say,

(1.) This Act may be adopted, and the limitation of the maximum rate to be levied for the purposes of this Act, may, within the limits fixed by this Act be fixed, raised, and removed when the library district is an urban district by a resolution of the urban authority under this Act, and when the library district is a parliamentary polling district not within the control of an urban authority then by the rural sanitary authority or, in either of such cases, by any other manner provided by this Act. Provided, however, that in case the urban authority should fail to pass a resolution adopting this Act, such failure shall not prejudice the right by this Act given to voters to have their opinion ascertained in the manner by this Act prescribed.

(i.) Such resolution shall be passed at a meeting of the authority, and *one month* at least before the meeting special notice of the meeting and of the intention to propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(*a*) given in the mode in which notices to attend meetings of the authority are usually given; or

(*b*) where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in Ireland, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in Ireland.

(ii.) The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal door of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested,

and shall come into operation at a time not less than *one month* after the first publication of the advertisement of the resolution as the authority may by the resolution fix.

(iii.) A copy of the resolution shall be sent to the Local Government (Ireland) Board.

(iv.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after *two months* from the date of the first advertisement.

(2.) Any ten or more voters in any library district may address a requisition in writing to the authority hereafter in this section mentioned requiring that authority to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition: Provided that where the library district is a municipal borough or a town governed by commissioners under the Towns Improvements Acts, or any separate local Act, the requisition may be made by the council of the borough or commissioners of the town:

(3.) On receipt of the requisition the said authority shall proceed to ascertain by means of voting papers the opinion of the voters with respect to the said question or questions; but the said authority shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition, or with respect to any limitation of the rate other than the limitations specified in this Act:

(4.) The procedure for ascertaining the opinion of the voters shall be in accordance with the regulations contained in the First Schedule to this Act, and those regulations shall have effect as if they were enacted in the body of this Act:

(5.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid voting papers, and where the majority of those answers are in favour of the adoption of this Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted:

(6.) Where the opinion of the voters in any library district is ascertained upon the question as to the adoption of this Act, or upon a question as to the limitation of the rate, no further

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proceeding shall be taken for ascertaining the opinion of the voters until the expiration of *one year* at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected:

(7.) The authority to ascertain the opinion of the voters for the purposes of this section shall be in a municipal borough the mayor, and in any other urban district the chairman of the urban authority, and in a parliamentary polling district, or any portion of a parliamentary polling district, not being within the control of an urban authority then by the clerk of any sanitary authority of the place.

Act when adopted to be executed by library authority.

4. This Act, when adopted for any library district, shall be carried into execution, if the library district is an urban district, by the urban authority, and, if it is a parliamentary polling district, or portion of a parliamentary polling district, not under the control of an urban authority then by the commissioners appointed under this Act; and any such authority or commissioners executing this Act are herein-after referred to as a "library authority."

Constitution of commissioners for executing Act in parliamentary polling districts.

5. Where the Act is adopted for any parliamentary polling district, or part of a parliamentary polling district, not being within the control of an urban authority, the sanitary authority of the place in which such parliamentary polling district lies shall appoint not less than three nor more than nine persons resident in the parliamentary polling district to be commissioners for carrying this Act into execution.

Commissioners to be a body corporate.

6. The commissioners shall be a body corporate by the name of "The Commissioners for Public Libraries and Museums for the " district of , in "the county of ," and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of this Act.

Rotation of commissioners.

7.—(1.) The commissioners shall, as soon as conveniently may be after their appointment, divide themselves by agreement, or, in default of agreement, by ballot, into three classes.

(2.) The offices of the first class shall be vacated at the expiration of *one year*, the offices of the second class at the expiration of *two years*, and the offices of the third class at the expiration of *three years* from the time of their appointment.

(3.) The offices of vacating commissioners shall be filled by an equal number of new commissioners to be appointed in the same manner as the first commissioners; and every newly elected commissioner shall hold his office for the term of *three years* from the

date when the office became vacant, but a person, on ceasing to be a commissioner, shall, unless disqualified, be re-eligible.

(4.) Any casual vacancy among the commissioners, whether arising by death, resignation, incapacity, or otherwise, shall, as soon as may be after the occurrence thereof, be filled up by the commissioners; but the term of office of a commissioner appointed to fill up a casual vacancy shall expire at the date at which the term of office of the commissioner in whose place he is appointed would have expired.

Meetings of commissioners.

8. The commissioners shall meet at least once in every month, and at such other times as they think fit, at some convenient place; and any one commissioner may summon a special meeting by giving *three* clear days notice in writing to each commissioner, specifying therein the purpose for which the meeting is called. Business shall not be transacted at any meeting of the commissioners unless at least two of them are present.

Proceedings of commissioners to be recorded.

9. All orders and proceedings of the commissioners shall be entered in books to be kept for that purpose, and shall be signed by the commissioners or any two of them; and all such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of all such orders and proceedings upon any judicial proceeding.

Power of neighbouring parliamentary polling districts to combine.

10.—(1.) Where this Act is adopted for any two or more neighbouring parliamentary polling districts, the commissioners of these polling districts may, by agreement, subject to the approval of the urban authority where such exists, and where no urban authority exists then of the sanitary authority, combine for any period in carrying this Act into execution, and the expenses of carrying this Act into execution shall be defrayed by the parliamentary polling districts in such proportions as may be agreed on by the respective bodies of commissioners with the consent of the urban authority where such exists, and where no urban authority exists then of the sanitary authority.

(2.) The urban authority where such exists, and where no urban authority exists then the sanitary authority of each of the said parliamentary polling districts shall elect not more than six commissioners in accordance with the provisions of this Act. The commissioners so appointed for the several parliamentary polling districts shall form one body of commissioners, and shall act accordingly in the execution of this Act.

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Power to annex parliamentary polling district to adjoining library district.

11. Where the voters in a parliamentary polling district adjoining or near any library district for which either this Act has been adopted, or the adoption thereof is contemplated, consent to such parliamentary polling district being annexed to the said library district, such parliamentary polling district, subject to the consent of the library authority of the said library district being also given, shall be annexed to and form part of that district for the purposes of this Act; the urban authority where such exists, and where no urban authority exists then the sanitary authority of such parliamentary polling district shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so from time to time appointed shall, during their respective terms of office, be deemed, for all the purposes of this Act, to be members of the library authority of the said district.

Execution of Act.

Provision of libraries, museums, and schools of science and art.

12.—(1.) The library authority of any library district for which this Act has been adopted may, subject to the provisions of this Act, provide all or any of the following institutions, namely, public libraries, public museums, schools for science, art galleries, and schools for art, and for that purpose may purchase and hire land, and erect, take down, rebuild, alter, repair, and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences.

(2.) Where any of the institutions mentioned in this section has been established either before or after the *passing of this Act* by any library authority under this Act or the Acts hereby repealed, that authority may establish in connexion therewith any other of the said institutions without further proceedings being taken with respect to the adoption of this Act.

(3.) No charge shall be made for admission to a library or museum provided under this Act for any library district, or, in the case of a lending library, for the use thereof by the inhabitants of the district; but the library authority, if they think fit, may grant the use of a lending library to persons not being inhabitants of the district, either gratuitously or for payment.

Provision as to acquisition and disposal of land.

13.—(1.) For the purpose of the purchase of land under this Act by a library authority the Lands Clauses (Ireland) Acts, with the exception of the provisions relating to the purchase of land otherwise than by agreement, shall be incorporated with this Act.

(2.) The library authority of any library district which is an urban district may with the sanction of the Local Government

Board appropriate for the purposes of this Act any land which is vested in that authority.

(3.) A library authority may with the sanction of the Local Government Board sell any land vested in them for the purposes of this Act, or exchange any such land for other land better adapted for those purposes, and the money arising from the sale or received by way of equality of exchange shall be applied in or towards the purchase of other land better adapted for the said purposes, or may be applied for any purpose for which capital money may be applied, and which is approved by the Local Government Board.

(4.) A library authority may let a house or building, or any part thereof, or any land vested in them for the purposes of this Act, which is not at the time of such letting required for those purposes, and shall apply the rents and profits thereof for the purposes of this Act.

Power to grant charity land for purposes of this Act.

14.—(1.) Any person holding land for ecclesiastical, parochial, or charitable purposes may, subject as herein-after provided, grant or convey, by way of gift, sale, or exchange, for any of the purposes of this Act, any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(*a*) ecclesiastical property shall not be granted or conveyed for those purposes without the consent of the representative body of the Church of Ireland; and

(*b*) parochial property shall not be so granted or conveyed save by the board of guardians of the poor law union comprising the parish to which the property belongs, or without the consent of the Local Government Board; and

(*c*) other charitable property shall not be so granted or conveyed without the consent of the Commissioners of Charitable Donations and Bequests in Ireland; and

(*d*) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold.

Vesting of property in library authority.

15. All land appropriated, purchased, or rented, and all other real and personal property presented to or purchased or acquired for any library, museum, art gallery, or school under this Act shall be vested in the library authority.

Management of libraries, &c. by library authority or committee.

16.—(1.) The general management, regulation, and control of every library, museum, art gallery, and school provided under this Act shall be vested in and exercised by the library authority, and that authority may provide therein books, newspapers, maps, and

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specimens of art and science, and cause the same to be bound and repaired when necessary.

(2.) The library authority may also appoint salaried officers and servants, and dismiss them, and make regulations for the safety and use of every library, museum, gallery, and school under their control, and for the admission of the public thereto.

(3.) Provided that a library authority being an urban authority may if they think fit appoint a committee and delegate to it all or any of their powers and duties under this section, and the said committee shall to the extent of such delegation be deemed to be the library authority. Persons appointed to be members of the committee need not be members of the urban authority.

Power to library authorities to make agreements for use of library.

17.—(1.) The commissioners separately appointed for any two or more library districts for which this Act has been adopted may with the consent of the sanitary authorities of these districts agree to share in such proportions and for such period as may be determined by the agreement the cost of the purchase, erection, repair, and maintenance of any library building situate in one of those districts, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

(2.) The library authority of any library district may with the consent of the urban authority where such exists, and where none such exists then of the sanitary authority in the district and of the Commissioners of Charitable Donations and Bequests in Ireland, and with the consent, in the case of endowed schools in Ireland, of the Commissioners of Endowed Schools in Ireland, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of the said respective Commissioners, and situate in or near the library district.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

Power to library authority to accept parliamentary grant.

18. Where a library authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon

payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same. A.D. 1894.

Financial Provisions.

19.—(1.) The expenses incurred in a library district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters in the district, may be defrayed,— Expenses of library authority how defrayed.

(*a*) where the library district is a municipal borough, out of the borough fund or borough rate, or a separate rate to be made, assessed, and levied in like manner as the borough rate, or out of both; and

(*b*) where the library district is an urban district other than a borough, out of the rate applicable to the general expenses incurred in the execution of the Public Health Acts, or a separate rate to be made, assessed, and levied in like manner as the rate so applicable, or out of the income received by the urban authority from markets, fairs, or tolls, or out of all or any of such sources; and

(*c*) where the library district is a parliamentary polling district, or portion of a parliamentary polling district, not within the control of an urban authority, out of a rate to be raised with and as part of the special expenses under the Public Health Acts.

(2.) Where the library district is a parliamentary polling district and is not combined with any other parliamentary polling district for the execution of this Act, then—

(i.) such amount only shall be raised out of a rate for the purposes of this Act as is from time to time sanctioned by the library authority; and

(ii.) the amount for the time being proposed to be raised for the purposes of this Act shall be paid according to the order of the sanitary authority to such person as may be appointed by the library authority to receive it; and

(iii.) in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of this Act bears to the total amount of the rate.

(3.) Where a parliamentary polling district or a part of a parliamentary polling district is annexed in pursuance of this Act to any library district, so much of the said expenses as is chargeable to such parliamentary polling district or part shall be defrayed in like

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manner as if such parliamentary polling district or part were a separate library district, but the sanction of the voters shall not be required for raising the sums from time to time due from the parliamentary polling district for meeting those expenses.

(4.) Every person who shall pay or allow any rate authorised to be levied for the purpose of this Act shall be entitled to deduct from the rent payable by him to his immediate landlord such portion of the rate paid or allowed by him as he would have been entitled to deduct if the same were a rate levied for the purpose of the relief of poor in Ireland.

Borrowing by library authority.

20.—(1.) Every library authority within an urban district may, with the sanction of the urban authority and of the Local Government Board, and every library authority not within the control of an urban authority may, with the sanction of the sanitary authority and of the Local Government Board, borrow money for the purposes of this Act on the security of any fund or rate applicable for those purposes.

38 & 39 Vict. c. 55.

(2.) The provisions of the Public Health (Ireland) Act, 1878, relating to borrowing by a local authority shall apply, with the necessary modifications, to all money borrowed by any library authority for the purposes of this Act, as if the library authority were an urban authority, and as if references to this Act were substituted therein and in the forms therein mentioned for references to the Public Health (Ireland) Act, 1878.

(3.) The Commissioners of Public Works in Ireland may in manner provided by the Acts relating to loans to be made by them lend any money which may be borrowed by a library authority for the purposes of this Act.

Accounts and audit.

21.—(1.) Separate accounts shall be kept of the receipts and expenditure under this Act of every library authority and their officers, and those accounts shall be audited in like manner and with the like incidents and consequences, in the case of a library authority being an urban authority, and of their officers, as the accounts of the receipts and expenditure of that authority and their officers under the Public Health Acts.

(2.) The accounts of the receipts and expenditure of a library authority being commissioners appointed under this Act, and of their officers, shall be audited yearly by a district auditor in like manner and with the like incidents and consequences as in the case of an audit under the Acts relating to the relief of the poor.

42 & 43 Vict. c. 6.

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(3.) The accounts of the receipts and expenditure under this Act of any library authority other than the council of a municipal borough shall be open at all reasonable times to the inspection, free of charge, of any ratepayer in the library district, and any such ratepayer may without charge make copies of and extracts from those accounts; and if any library authority or any person being a member thereof or employed by them and having the custody of the accounts fails to allow the accounts to be inspected, or copies or extracts to be made, as required by this section, such authority or person shall for each offence be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding five pounds.

Supplemental Provisions.

Adjustment of interests on termination of agreement.

22. Any agreement under this Act between two or more library authorities, or between a library authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall on the application of any of the parties be made by an arbitrator appointed by the Local Government Board.

Definitions.

23. In this Act, unless the context otherwise requires,—

the expression "urban district" means a municipal borough, Improvement Act district, or local government district; and "urban authority" means, as regards each such district, the council, improvement commissioners, or local board:

the expression "financial year" means the period of twelve months for which the accounts of a library authority are made up:

the expression "voter" means a person who is registered as a voter entitled to vote for candidates for parliamentary elections for the parliamentary polling district in connexion with which the voter is mentioned:

the expressions "Public Health Acts," "Towns Improvement Acts," "the Public Works Loans Act," shall mean the said Acts of the names respectively which refer to Ireland, and the expression "the Local Government Board" shall mean the Local Government Board for Ireland:

the expressions "sanitary district" and "rural sanitary district" shall mean the sanitary district and rural sanitary district as

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defined by the Acts relating to the Public Health in Ireland, and the expressions "sanitary authority," "rural sanitary authority," shall mean the authorities of sanitary districts as defined by the Land Acts.

Repeal.

24.—(1.) The Acts mentioned in the Second Schedule to this Act shall be repealed as from the commencement of this Act, save so far as any of them extend beyond Ireland; and where those Acts have been adopted for any library district, that adoption shall be deemed to have been an adoption of this Act, and this Act shall apply accordingly.

(2.) For the purpose of this section the said Acts shall be deemed to have been adopted for any district in which they were in force immediately before the commencement of this Act.

Saving as to local Acts.

25. Nothing in this Act shall be deemed to limit, or to reduce or alter the limit of any rate which any library authority is authorised to levy under or by virtue of any local Act.

Short title.

26. This Act may be cited as the Public Libraries (Ireland) Act, 1894.

A.D. 1894.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

Regulations

For ascertaining the opinion of the voters in a library district.

In these regulations the expression "presiding officer" means, in relation to any library district, the authority required under this Act to ascertain the opinion of the voters in that district on any question, or a person appointed by that authority, and that authority is referred to in these regulations as the "district authority."

Part I.—Procedure by Voting Papers.

1. The district authority shall, before the day appointed for the issuing of the voting papers, provide the presiding officer with a copy of the register of parliamentary voters, or of the part or parts thereof containing the names of all the voters in the library district.

2. On the day appointed for issuing the voting papers the presiding officer shall send by post or cause to be delivered to every voter at his address appearing in the roll or register a voting paper in the form contained in Part II. of this schedule or to the like effect.

3. Every voting paper shall bear the number of the voter on the roll or register, as the case may be, and shall contain directions to the voter, in accordance with these regulations, as to the day on which and the hours within which the voting paper is to be collected or sent, and as to the place at which, if sent, it will be received.

4. The district authority shall, before the issue of the voting papers, appoint such a number of competent persons as may be necessary to collect and receive the voting papers and to assist in the scrutiny thereof on such terms and for such remuneration as may be reasonable, and shall also appoint a convenient place within the district at which the voting papers are to be received, but the district authority shall not be required to collect any voting papers which have been sent by them to addresses beyond the limits of the district.

5. Voting papers shall be collected between 8 a.m. and 8 p.m. of the third day after that on which they were issued. Such day is herein-after in these regulations referred to as the polling day, and such last-mentioned hour is herein-after referred to as the "conclusion of the poll."

6. A voting paper shall not after collection be delivered up to any person except the presiding officer or a person appointed to receive voting papers.

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7. The persons appointed to collect the voting papers shall, either before or as soon as may be after the conclusion of the poll, deliver the voting papers collected by them to the presiding officer or to a person appointed to receive the same.

8. A voting paper may be sent by prepaid post or by hand to the presiding officer at the place appointed by the district authority for the receipt thereof, so that it be received by the presiding officer at such appointed place before the conclusion of the poll. Voting papers, except those collected by persons appointed by the district authority, shall not be received at the appointed place after the conclusion of the poll.

9. Every person appointed to collect voting papers shall be appointed in writing by the district authority, and shall carry such writing with him while employed in the collection, and shall show it to any voter who may require him to do so. If any person so appointed fails to comply with this regulation, or if any unauthorised person fraudulently receives or induces any voter to part with a voting paper, such person shall be guilty of a misdemeanor, and liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

10. A voting paper which contains the answer "yes" or "no" to any question put to the voters and is duly signed shall be deemed to be a valid voting paper with respect to that question.

A voting paper shall be deemed to be duly signed if signed by the voter with his full name or ordinary signature.

11. Where any voter is unable, from any cause, except illiteracy, to write, he may cause his voting paper to be filled up by another person. In such case he shall attach his mark to the voting paper, and such mark shall be attested by such other person, who shall sign his name and append his address thereto, and who shall sign a declaration at foot of said paper that such voter is not an illiterate. A voting paper to which such mark is attached, and which is duly attested and declared, shall be deemed to be duly signed.

12. Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, knowing that the same does not bear the true answer or signature of the voter to whom it was sent or intended to be sent, shall be guilty of personation, and liable to the penalties of that offence, as provided by the Ballot Act, 1872.

35 & 36 Vict. c. 33.

13. The presiding officer shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall compare the same with his copy of the roll or register, and ascertain how far the voting papers have been duly signed by the voters.

14. A question put to the voters shall be deemed to be answered and determined in the affirmative or negative, according as the majority of valid voting papers returned contain the answer "yes" or "no" to that question.

15. Immediately on the conclusion of the scrutiny the presiding officer shall report to the district authority the number of voters who have voted "yes" and "no" respectively to each question put to them, and the number of voting papers which are invalid.

16. The presiding officer shall seal up in separate packets the valid and the invalid voting papers respectively, and shall transmit them, together with his report, to the district authority.

17. Upon receiving the report of the presiding officer the district authority shall cause the result of the poll to be made public in such manner as they think fit.

PART II.—FORM OF VOTING PAPER.

Public Libraries Act (Ireland), 1894.

BOROUGH (Parliamentary Polling District or other Library District) of .

No. (Here insert number of voters in register of parliamentary voters.)

Question 1 - -	Are you in favour of the adoption of the Public Libraries (Ireland) Act, 1893, for the borough (*or* parliamentary polling district) of .	Answer 1. (*To be filled in* "Yes" *or* "No.")	[*To be omitted if Libraries Act already adopted.*]
Question 2 - -	Are you in favour of the rate being limited to one halfpenny in the pound? (*Or* to three farthings, *or* of the existing limitation of the rate under the Public Libraries (Ireland) Act, 1893, being removed, *or* of the existing limitation to one halfpenny being raised to three farthings, *as the case may require.*)	Answer 2. (*To be filled in* "Yes" *or* "No.")	[*To be omitted if no question stated in the requisition as to limitation of rate.*]
Question 3 - -	Are you in favour of an agreement being made with (*here designate the body or bodies, according to section eleven of this Act*) for the purpose of (*briefly state objects of proposed agreement*).	Answer 3. (*To be filled in* "Yes" *or* "No.")	[*To be omitted if no such question raised.*]

Signature of Voter.

Note.

1. This voting paper will be collected by an authorised collector between the hours of 8 a.m. and 8 p.m. on day, the 18 (*insert polling day*), or may be sent by prepaid post or by hand, addressed to (*state name or designation of presiding officer, and place appointed by the district authority*). If it is sent it must be received at that address before 8 p.m. on the above-mentioned day.

2. You may require the collector to show his authority in writing. No authority is valid unless it is (signed by *A.B.*, *or* sealed, or *as the district authority may direct*).

A.D. 1894.

Section 28.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.
18 & 19 Vict. c. 40. -	The Public Libraries (Ireland) Act, 1855.
40 & 41 Vict. c. 54. -	The Public Libraries Amendment Act, 1877.

Public Libraries (Ireland) Acts Amendment.

A

B I L L

To amend the Public Libraries (Ireland) Acts.

(*Prepared and brought in by*
Mr. Field, Mr. John Redmond, Mr. Clancy, Mr. William Johnston, Sir John Lubbock, Mr. Arthur O'Connor, Sir Thomas Esmonde, and Mr. Carson.)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street Dublin.

[*Price* 2½*d.*]

[Bill 170.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Public Libraries (Ireland) Acts.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Adoption of Act and Constitution of Library Authority.

Proceedings for adoption of Act.

1.—(1.) The Public Libraries Act (Ireland), 1855 (in this Act referred to as the principal Act), may be adopted, and the limitation of the maximum rate to be levied for the purposes thereof may, within the limits fixed thereby, or by any Act amending the same, be fixed, raised, and removed by a resolution of the urban authority, or by such other means as is provided by this Act. Provided, however, that in case the urban authority should fail to pass a resolution adopting the said Act, such failure shall not prejudice the right by this Act given to voters to have their opinion ascertained in the manner by this Act provided.

(i.) Such resolution shall be passed at a meeting of the authority, and one month at least before the meeting special notice of the meeting and of the intention to propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(*a*) given in the mode in which notices to attend meetings of the authority are usually given; or

(*b*) where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in Ireland, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in Ireland.

(ii.) The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the

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authority, and by causing notice thereof to be posted at the place heretofore used for posting public notices outside every church and chapel within the district, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution, as the authority may by the resolution fix.

(iii.) A copy of the resolution shall be sent to the Local Government Board.

(iv.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

(2.) Any ten or more voters in an urban district, or the urban authority of the district, may address a requisition in writing in the prescribed form to the mayor or other chairman of the authority, requiring him to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition.

(3.) On receipt of the requisition the mayor or chairman shall proceed to ascertain by ballot the opinion of the voters with respect to the said question or questions, but shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition.

(4.) Where no register of the voters exists the urban authority shall forthwith cause such register to be made for the purposes aforesaid.

(5.) For the purpose of ascertaining the opinion of the voters, the Ballot Act, 1872 (including the penal provisions of that Act), shall, subject to such alterations and adaptations (if any) as may be prescribed, apply in like manner as in the case of a municipal election.

(6.) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority for any election (whether parliamentary, municipal, or other) shall, on request, and if not required for immediate use by the said authority, be lent to the mayor or chairman of the urban authority, for a poll under this Act, upon such conditions, and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid ballot papers, and where the majority of those answers are in favour of the adoption of the principal Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted, and shall be carried into execution by the urban authority.

(8.) Where the opinion of the voters in any district is ascertained upon the question as to the adoption of the principal Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the poll was taken.

(9.) Section four of the principal Act is hereby repealed.

Provision for appointment of commissioners.

2.—(1.) If at any time after the expiration of six months from the taking of a poll in manner provided by this Act, where the majority of the answers were in favour of the adoption of the principal Act, the urban authority have not in the opinion of the Local Government Board taken proper or sufficient steps to carry the Act into execution, that Board may, if they think fit, upon the application in the prescribed manner of ten or more voters, appoint from among the voters five commissioners to carry the principal Act into execution.

(2.) The commissioners so appointed shall have all the powers and perform all the duties conferred and imposed on the urban authority by the principal Act and the Acts amending the same, including this Act, subject to such alterations and adaptations as may be prescribed. They shall hold office for such time as the Local Government Board direct, and upon the expiration of their term of office the Board may either appoint their successors from among the voters or may by order empower the urban authority to carry the principal Act into execution.

(3.) Any vacancy occurring among the said commissioners shall be filled by the Local Government Board from among the voters.

Power to two or more authorities to combine.

3.—(1.) When the principal Act is adopted for two or more neighbouring districts, the authorities of those districts may by agreement combine for any period for carrying the Act into execution, and the expenses of carrying the Act into execution shall be defrayed by such authorities in such proportions as may be agreed on by them.

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(2.) For the purposes of this section, a joint committee may be formed, the members whereof shall be appointed by the several combining authorities in such proportions as may be agreed on, but need not be members of any of the combining authorities. Any such committee shall have such of the powers of an urban authority under the principal Act, except the power of borrowing money, as the combining authorities may agree to confer upon them.

(3.) In the event of the combining authorities failing to agree as to the proportions in which the expenses of carrying the Act into execution are to be defrayed, or as to the proportions in which the members of a joint committee under this section are to be appointed, those proportions shall, on the application of any such authority, be determined by the Local Government Board.

Provision as to use of library.

4. An urban authority may, if they think fit, grant the use of a lending library established under the principal Act, to persons not being inhabitants of their district, either gratuitously or for payment.

Provision as to letting of land.

5. An urban authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the principal Act, or the Acts amending the same, including this Act, which is not at the time of such letting required for those purposes, and shall apply the rents and profits thereof for the purposes of those Acts.

Power to grant certain land for purposes of Acts.

6.—(1.) Any person holding land for public or charitable purposes may, subject as herein-after provided, grant or convey, by way of gift, sale, or exchange, for any of the purposes of the principal Act, or the Acts amending the same, including this Act, any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(*a*) charitable property shall not be so granted or conveyed without the consent of the Commissioners of Charitable Donations and Bequests for Ireland; and

(*b*) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold.

Power to limited owner to grant land.

7. A tenant for life of any settled land as defined by the Settled Land Act, 1882, may grant or convey by way of gift for any of the purposes of the principal Act, or the Acts amending the same, including this Act, any quantity of such land not exceeding in any case one acre.

Power to urban authorities

8.—(1.) The urban authorities of any two or more districts for which this Act has been adopted may agree to share in such pro-

portions and for such period as may be determined by the agreement the cost of the purchase, erection, repair, and maintenance of any library building situate in one of those districts, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

to make agreements for use of library.

(2.) The urban authority of any district may, with the consent of the Commissioners of Charitable Donations and Bequests for Ireland, or of the Commissioners of Endowed Schools in Ireland, as the case may be, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of either of the said Commissioners, and situate in or near the district.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

Power to urban authority to accept parliamentary grant.

9. Where an urban authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.

Financial Provisions.

Expenses of Act.

10.—(1.) The expenses incurred in and incidental to the execution of this Act shall be defrayed in manner provided by the principal Act with regard to the expenses of carrying that Act into execution.

(2.) Where in any urban district a limit is by law imposed upon the rating power of the urban authority, it shall be lawful for such authority to impose and levy the rate authorised by the principal Act notwithstanding such limit.

Supplemental Provisions.

Adjustment of interests on termination of agreement.

11. Any agreement under this Act between two or more urban authorities, or between an urban authority and any other body, may provide that on the termination of the agreement an adjustment

A.D. 1894.

shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall, on the application of any of the parties, be made by an arbitrator appointed by the Local Government Board.

Power to make rules.

12. The Local Government Board may make rules for carrying into effect the objects of this Act, and those rules shall be laid before both Houses of Parliament as soon as may be after they are made, and shall be judicially noticed and have effect as if enacted by this Act.

Definitions.

13. In this Act, unless the context otherwise requires,—

The expression "urban district" means an incorporated borough or a town as defined by the principal Act:

The expression "urban authority" means, in the case of an incorporated borough, the council or board of municipal commissioners, and in the case of a town the town commissioners as defined by the principal Act:

The expression "voter" means a person who is registered as a parliamentary voter in respect of the ownership or occupation of property, or in respect of lodgings within the district in connexion with which the voter is mentioned, and in the case of a borough includes a freeman thereof:

The expression "the Local Government Board" means the Local Government Board for Ireland:

The expression "prescribed" means prescribed by rules made by the Local Government Board under this Act.

Short title.

14. This Act may be cited as the Public Libraries (Ireland) Amendment Act, 1894.

Public Libraries (Ireland) Acts Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Public Libraries (Ireland) Acts.

(*Prepared and brought in by*
Mr. Field, Mr. John Redmond, Mr. Clancy, Mr. William Johnston, Sir John Lubbock, Mr. Arthur O'Connor, Sir Thomas Esmonde, and Mr. Carson.)

Ordered, by The House of Commons, *to be Printed,* 17 *July* 1894.

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[*Price* 1*d.*]

[Bill 317.]

A

B I L L

TO

Amend the Public Libraries Consolidation (Scotland) Act, 1887. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title and construction. 50 & 51 Vict. c. 42.

1. This Act may be cited as the Public Libraries (Scotland) Act, 1894, and shall be construed as one with the Public Libraries Consolidation (Scotland) Act, 1887 (in this Act referred to as the principal Act), and these two Acts may be together cited as the Public Libraries (Scotland) Acts, 1887 and 1894.

Modification as to adoption, &c. in burghs.

2.—(1.) In burghs the principal Act may be adopted by a resolution of the magistrates and council of the burgh, and such resolution shall be substituted for a determination of the householders of the burgh in any case where such determination is required under the principal Act.

(2.) Sections four, five, and six of the principal Act are hereby repealed, so far as they relate to burghs.

Provision as to a resolution of the magistrates and council of a burgh for the adoption, &c. of the principal Act.

3.—(1.) A resolution under this Act shall be passed at a meeting of the magistrates and council, and *one month* at least before such meeting special notice thereof and of the intention to propose such resolution shall be given to every person included in the collective expression "magistrates and council," either—

(*a*) in the mode in which notices to attend meetings of the magistrates and council are usually given; or, in the option of the chief magistrate,

(*b*) by forwarding a notice by post in a prepaid letter addressed to the usual or last-known place of abode of every person entitled to notice under this section.

(2.) The resolution shall, after the passing thereof, be published at least once by advertisement in one or more newspapers

A.D. 1894.

circulating in the burgh, and shall come into operation at a time to be fixed in the resolution itself, being not less than *one month* after the publication or first publication of the advertisement thereof herein-before provided.

(3.) A copy of the newspaper or newspapers containing the advertisement shall be conclusive evidence of the resolution having been passed unless the contrary be shown; and no objection to the effect of the resolution on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after *three months* from the publication or first publication of the advertisement.

Public Libraries (Scotland).

A

B I L L

To amend the Public Libraries Consolidation (Scotland) Act, 1887.

(*Prepared and brought in by Mr. Dalziel, Mr. Cameron Corbett, Sir Charles Cameron, and Mr. Renshaw.*)

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 171.]

Public Trustee and Executor Bill.

MEMORANDUM.

The object of this Bill is to establish a Public Trustee and Executor, and thus to meet the difficulty which both public bodies and private individuals experience in finding suitable trustees. The choice of an executor is frequently not less embarrassing. In some of the States of America, and some of the British Colonies, notably in New Zealand, a public functionary and a public office exist for the purpose.

The appointment of the Public Trustee and Executor will be entirely voluntary on the part of those creating a trust or a testator.

The Bill provides for the payment of fees on a regulated scale upon all receipts of income under a trust, or on realising property under a will, as for other duties connected with the administration of a trust, or the execution of a will. The Public Trust Office is thus intended to be self-supporting, and not a drain on the public revenue.

The Bill constitutes the Public Trustee as a corporation sole, with perpetual succession. The public would thus be able to appoint a trustee or executor who would never die, never leave the country, and never become incapacitated. The State would, under certain reservations, guarantee the fulfilment of all trusts placed in the Public Trust Office, and the execution of wills duly accepted.

The supersession of professional men in relation to trust property is distinctly provided against by the Bill.

The present Bill is in substance a reproduction with modifications of the Bill of 1890, introduced into the House of Lords by Lord Halsbury, as amended (twice) by the Standing Committee of that House.

Public Trustee and Executor Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Office of public trustee.
2. Appointment of public trustee to be trustee, executor, &c.
3. Power as to granting probate.
4. Administration of small assets.
5. Liability of Consolidated Fund.
6. Appointment of public trustee and officers, and expenses of office.
7. Fees charged by public trustee.
8. Holding and transfer of property.
9. Appeal to the High Court.
10. Refusal of trust by public trustee.
11. Restriction of powers of public trustee.
12. Employment of solicitors and banks.
13. Rules.
14. Application of Act to Duchy of Lancaster.
15. Mode of action of public trustee and Treasury.
16. Definitions.
17. Short title.
18. Abolition of office.

A

B I L L

FOR

The appointment of a Public Trustee and Executor. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, by the authority of the same, as follows:

Office of public trustee.

1.—(1.) There shall be established the office of public trustee.

(2.) The public trustee shall be a corporation sole under that name, with perpetual succession and an official seal, and may sue and be sued under the above name like any other corporation sole.

(3.) Subject to the provisions of this Act, and to the rules made thereunder, the public trustee may act either alone or jointly with any person or body of persons in any capacity to which he may be appointed in pursuance of this Act, and shall have all the same powers, duties, and liabilities, and be entitled to the same rights and immunities and be subject to the control and orders of the High Court, as a private trustee acting in the same capacity.

Appointment of public trustee to be trustee, executor, &c.

2.—(1.) The public trustee may by that name be appointed to be trustee of any will or settlement or to perform any trust or duty belonging to a class which he is authorised by a general order under this section to accept, and may be so appointed, whether the will or settlement, or instrument creating the trust or duty was made or came into operation before or after the *passing of this Act*, and either as an original or as a new trustee, in the same cases, and in the same manner, and by the same persons or court, as if he were a private trustee, with this addition, that though the trustees originally appointed were two or more, the public trustee may be appointed sole trustee.

(2.) The public trustee shall not accept any trust exclusively for religious or charitable purposes, and nothing in this Act contained, or in the rules to be made under the powers in this Act contained shall abridge or affect the powers or duties of the official trustee of charities.

A.D. 1894.

(3.) A general order for the purpose of this section may be made by the Lord Chancellor with the concurrence of the Treasury, but the draft of any order proposed so to be made shall be laid on the table of each House of Parliament not less than thirty days on which such House has sat before the order is made, and if the draft is disapproved of by a resolution of either House, the order shall not be made.

Power as to granting probate.

3.—(1.) If in pursuance of any general order under this Act, the public trustee is authorised to accept by that name probates of wills or letters of administration, the court having jurisdiction to grant probate of a will or letters of administration may grant such probate or letters to the public trustee by that name, and for that purpose the court shall consider the public trustee as in law entitled equally with any other person or class of persons to obtain the grant of letters of administration, save that the consent or citation of the public trustee shall not be required for the grant of letters of administration to any other person.

(2.) Any executor who has obtained probate or any administrator who has obtained letters of administration, and notwithstanding he has acted in the administration of the deceased's estate, may, with the sanction of a judge of the High Court, transfer such estate to the public trustee for administration. And the order of a judge of the High Court sanctioning such transfer shall give to the public trustee all the powers of such executor and administrator, and such executor and administrator shall not be in any way liable in respect of any act or default in reference to such estate subsequent to the date of such order.

Administration of small assets.

4. Where proceedings have been instituted in the High Court for the administration of the estate of any deceased person, and by reason of the small value of such estate, it appears to the court that the estate could be more economically administered by the public trustee than by the court, the court may order that such estate shall be administered by the public trustee; and thereupon, subject to any directions of the court, the public trustee shall administer that estate in manner provided by rules under this Act.

Liability of Consolidated Fund.

5.—(1.) *The Consolidated Fund of the United Kingdom shall be liable to make good any liability arising out of any fraud or negligence on the part of the public trustee, or his officers, and also any liability arising out of any such other act or default of the public trustee, or his officers, as may be specified in rules under this Act, and all sums payable in pursuance of this section out of the*

Consolidated Fund shall be charged on and issued out of that fund or the growing produce thereof.

(2.) The draft of any such rule shall be laid before the House of Commons for not less than thirty days on which that House has sat, and if the draft be disapproved of by a resolution of that House, the rule shall not be made.

Appointment of public trustee and officers, and expenses of office.

6.—(1.) The Lord Chancellor, with the concurrence of the Treasury, shall appoint a fit person to the office of public trustee during pleasure.

(2.) The holder of the office of public trustee shall receive such salary as the Treasury from time to time assign.

(3.) He may employ such officers and persons as, subject to the sanction of the Treasury, he may find necessary for the purposes of this Act, and those officers and persons shall be remunerated at such rates and in such manner as the Treasury may sanction.

He shall, if so directed by the Treasury, with the concurrence of the Lord Chancellor, maintain branch offices for the purpose of the transaction of business elsewhere than in London.

(4.) *The said salary and remuneration, and such expenses of executing the office of public trustee and otherwise carrying this Act into effect as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.*

Fees charged by public trustee.

7.—(1.) There shall be charged in respect of the duties of the public trustee such fees, whether by way of per-centage or otherwise, as the Treasury with the sanction of the Lord Chancellor shall fix, and such fees shall be collected and accounted for by such persons and in such manner and shall be paid to such account as the Treasury direct.

(2.) Any expenses which might be retained or paid out of the trust property if the public trustee were a private trustee shall be so retained or paid, and the fees shall be retained or paid in the like manner as and in addition to such expenses.

(3.) Such fees shall, under the regulations of the Treasury, be applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, and so far as not so applied shall be paid into the Exchequer.

Holding and transfer of property.

8.—(1.) The public trustee may hold property jointly with any persons or corporation aggregate or sole.

(2.) The public trustee may under that name be entered in the books of any company or person as holder, either alone or jointly with any persons, of stocks, shares, or securities entered in such books.

A.D. 1894.

(3.) The order of the public trustee given under his seal, shall be a necessary and sufficient authority to any such company or person for the transfer of any such stock, shares, or securities so far as respects the interest of the public trustee.

(4.) Upon the sale of any real property in which the public trustee is interested, the receipt of the purchase money shall not be valid unless acknowledged by the public trustee under his seal.

Appeal to the High Court.

9.—(1.) A person aggrieved by any act or omission of the public trustee in relation to any trust, may apply to the High Court, and the court may make such order in the matter as the court thinks just.

(2.) Subject to rules of court, an application under this section shall be made to a judge of the Chancery Division of the High Court in chambers.

Refusal of trust by public trustee.

10. The public trustee may decline, either absolutely or except on prescribed conditions, to accept any trust.

The public trustee may, with the sanction of a judge of the High Court retire from a trust.

Restriction of powers of public trustee.

11. If a testator or a settlor or other creator of any trust directs that any specified power or discretion shall be vested solely in the co-trustee, or shall not be vested in the public trustee, the public trustee shall not exercise such power or discretion, but shall, if need be, concur in all acts necessary to carry out the exercise of such power or discretion by the co-trustee, unless it appears to him that the matter in which he is requested to concur is a breach of trust, and the public trustee, whether he does or does not so concur, shall not be responsible, nor shall the Consolidated Fund be liable, for any such concurrence or non-concurrence on his part.

Employment of solicitors and banks.

12.—(1.) Where a testator, settlor, or other creator of any trust directs or authorises the employment of any particular solicitor or bank, or where either the co-trustee of the public trustee or the persons appearing to the public trustee to be for the time being entitled to the income of the trust, or if they are infants, their guardians, require the employment of any particular solicitor or bank, that solicitor or bank shall be employed as the solicitor or bank to the trust, unless removed for good cause by the High Court upon the application of the public trustee or of any person appearing to the court to be interested in the trust.

(2.) Where it appears to the public trustee that any solicitor or bank has been ordinarily employed in matters connected with any trust or with the family matters of persons concerned in the trust, he

may, on the application or with assent of any of such persons as appear to him to be principally interested in the income of the trust, for the time being employ such solicitor or bank as the solicitor or bank to the trust.

(3.) Where a solicitor or bank is employed in pursuance of this section the Consolidated Fund shall not be liable to meet any liability arising from any default of such solicitor or bank, and the public trustee shall not be deemed to have notice of any matter merely by reason of such solicitor or bank having had notice thereof.

(4.) The public trustee shall not, nor shall any assistant in his office be entitled to act professionally, whether as counsel, solicitor, accountant, or auctioneer, in relation to any trust executed by him, and the public trustee may, subject to the provisions of this Act and the rules to be made as herein mentioned, employ in any trust accepted by him such counsel, solicitor, auditor, accountant, receiver, bailiff or other person, as he may think expedient.

Rules.

13.—(1.) The Lord Chancellor, with the approval of the Treasury, may make rules for regulating the office of the public trustee and carrying into effect this Act, and any order made thereunder, and in particular in relation to all or any of the following matters, that is to say—

(*a*) (subject to the provisions of this Act) the transfer to and from the public trustee of any property;

(*b*) the accounts to be kept, and the audit thereof; and

(*c*) the regulation by the public trustee of any branch office.

(2.) Rules made under this section shall be laid before both Houses of Parliament forthwith after they are made, if Parliament be then in session, and if not, then forthwith after the beginning of the then next session of Parliament. If either House of Parliament resolves that any such rule shall be annulled, the same shall be annulled from the date of such resolution, without prejudice however to anything previously done in pursuance thereof.

(3.) If the rules require a declaration to be made for any purpose, a person who makes such declaration, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Application of Act to Duchy of Lancaster.

14. Whenever the public trustee in pursuance of this Act establishes a branch office in the county of Lancaster, the Chancery Court of the county palatine of Lancaster shall, as respects all matters transacted through that office, have concurrent jurisdiction with the High Court under this Act, and the rules of court relating to the exercise of the jurisdiction of that court under this Act shall be made by the authority having power to make general rules and orders of that court.

A.D. 1894.

Mode of action of public trustee and Treasury.

15.—(1.) On behalf of the public trustee such person as may be prescribed may take any oath, make any declaration, verify any account, give personal attendance at any court or place, and do any act or thing whatsoever which the public trustee is required or authorised to take, make, verify, give, or do.

(2.) Where any bond or security is required from a private person upon the grant to him of administration, or upon his appointment to act in any capacity to which the public trustee is appointed, the public trustee shall not be required to give such bond or security, but shall be subject to the same liabilities and duties as if he had given such bond or security.

Definitions.

16. In this Act, unless the context otherwise requires—

The expression "probate" includes the comfirmation of an executor in Scotland:

The expression "administration" means letters of administration of the personal estate and effects of a deceased person, whether general, or with a will annexed, or limited either in time or otherwise, and includes confirmation in Scotland:

The expression "trust" includes an executorship or administratorship, and any other capacity in which the public trustee acts in pursuance of this Act; and the expression "trustee" shall be construed accordingly; and the expression "trust property" shall include all property in the possession or under the control wholly or partly of the public trustee by virtue of any trust:

The expression "private trustee" means a trustee other that the public trustee:

The expression "expenses" includes costs and charges:

The expression "prescribed" means prescribed for the time being by rules under this Act.

Short title.

17. This Act may be cited as the Public Trustee Act, 1894.

Abolition of office.

18. If at any time within *five years* from the commencement of this Act the Lords Commissioners of the Treasury and the Lord Chancellor shall be of opinion that no beneficial purpose is served by the continuance of the office of public trustee hereby created, the Lords Commissioners of the Treasury and the Lord Chancellor may, by order under their joint hands, abolish the office of public trustee, and shall by such order make such provisions for winding up any trusts then vested in the public trustee, and for disposing of all property then vested in him in accordance with the trusts affecting the same, as they shall think fit: Provided always, that in the

event of the abolition of the office of public trustee by order under this section no person holding the office of public trustee, or any other office created by or under the authority of this Act, shall be entitled to claim any compensation whatever for loss of such office, and every appointment made to any office created by or under the authority of this Act shall be subject to the power given by this section of abolishing such office without compensation to the holder thereof. A.D. 1894.

Public Trustee and Executor.

A

B I L L

For the appointment of a Public Trustee and Executor.

(*Prepared and brought in by Colonel Howard Vincent and Mr. Warmington.*)

Ordered, by The House of Commons, *to be Printed*, 11 *April* 1894.

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[*Price* 1½*d.*]

[Bill 154.]

Public Works Loans Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Grants for public works.
2. Certain debts not to be reckoned as assets of local loans fund.
3. Explanation of schedule to 38 & 39 Vict. c. 89.
4. Priority of charges by Irish Land Commissioners.
5. Short title.

SCHEDULE.

A

B I L L

TO

Grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Grants for public works.

1.—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums :—

(*a.*) For the purpose of loans by the Public Works Loans Commissioners any sum or sums not exceeding in the whole the sum of *two million* pounds :

(*b.*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of *eight hundred thousand* pounds.

(2.) The sums so issued shall be issued during a period ending on the day on which a further Act granting moneys for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887. 50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund. 50 & 51 Vict. c. 16.

2. Whereas it is expedient that the principal of the several local loans specified in the schedule hereto should, to the extent of the amount specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887, therefore the principal of the said loans shall, to that extent, be written off from the account of assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Explanation of Schedule to 38 & 39 Vict. c. 89.

3. In the First Schedule to the Public Works Loans Act, 1875 (specifying the works for the purpose of which the Public Works

A.D. 1894.

Loan Commissioners may lend money), the expression "main drainage" shall be construed as including works of underground drainage.

Priority of charges by Irish Land Commissioners. 33 & 34 Vict. c. 46. 44 & 45 Vict. c. 49.

4. An annuity payable in respect of any advance made either before or after the passing of this Act to enable a tenant to purchase a holding under the Landlord and Tenant (Ireland) Act, 1870, and the Acts amending the same, shall have priority as a charge over any rent-charge on the same holding created at any time under sub-section two of section thirty-one of the Land Law (Ireland) Act, 1881, and over any rent-charge on the same holding created after the date of such advance under the Landed Property Improvement (Ireland) Acts.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1894.

SCHEDULE.

A.D. 1894.

PART I.

Loans by the Commissioners of Public Works, Ireland.

	Amount Advanced.	Amount Repaid.	Amount Outstanding.
	£ s. d.	£ s. d.	£ s. d.
Loans under Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49. s. 31).			
Saml. F. Beamish - -	200 0 0	194 16 0	5 4 0
Ml. Wallace - -	65 0 0	18 11 6	46 8 6
Bryan Keogh - - -	50 0 0	1 8 2	48 11 10
Patrick Murray - -	150 0 0	28 6 7	121 13 5
Thos. Gannon - -	50 0 0	6 12 2	43 7 10
J. M. L. Tew - -	190 0 0	163 13 7	26 6 5

PART II.

Loans by the Fishery Board for Scotland.

Loans to Fishermen under the Crofters' Holdings (Scotland) Act, 1886 (49 & 50 Vict. c. 29).

District.	Amount Advanced.	Amount Repaid and Realised from Sale of Boats.	Amount Outstanding.
	£ s. d.	£ s. d.	£ s. d.
Helmsdale - - -	124 0 0	87 17 3	36 2 9
Wick - - -	1,031 0 0	613 4 11	417 15 1
Orkney - - -	189 0 0	67 11 3	121 8 9
Shetland - - -	252 0 0	140 8 6	111 11 6
Stornoway - - -	53 0 0	16 6 0	36 14 0

Public Works Loans.

A

B I L L

To grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

(*Prepared and brought in by Sir John Hibbert and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 21 *May* 1894.

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[Bill 235.]

Quarries. [H.L.]

The fencing of quarries near highways is, in England and Wales, regulated by the Quarry (Fencing) Act, 1887, which is enforced by the local sanitary authorities.

All open quarries are either factories or workshops within the Factory and Workshop Acts as administered by inspectors of factories, and as such are under regulations with regard to hours of employment and other matters. But they are not regulated, so far as concerns operations in the getting of mineral, which in the deeper quarries are of a more or less dangerous character.

It is thought that this regulation will be best obtained by applying to dangerous quarries certain provisions of the Metalliferous Mines Regulation Acts administered by the inspectors of metalliferous mines.

It is also thought that such quarries should for all purposes be placed exclusively under one inspecting authority.

Accordingly it is proposed by the Bill to take quarries more than 20 feet deep as constituting the class of quarries where operations may be dangerous, and to deal with them separately as follows, viz., to apply to them certain provisions of the Metalliferous Mines Regulation Acts, and to provide that in these quarries the inspectors of metalliferous mines shall enforce—

(*a*) the applied provisions of the Metalliferous Mines Regulation Acts; and

(*b*) (to the exclusion of inspectors of factories), the Factory and Workshop Acts; and

(*c*) (to the exclusion of the sanitary authority), the Quarry Fencing Act.

A

B I L L

INTITULED

An Act to provide for the better Regulation of Quarries. A.D. 1894.

[NOTE.—*The Words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act. 41 & 42 Vict. c. 16.

1. This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act.

Application to quarries of certain provisions of 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39. 54 & 55 Vict. c. 47. 50 & 51 Vict. c. 19.

2.—(1.) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine.

(2.) The inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act, and shall enforce in relation to such quarries the provisions of the Quarry (Fencing) Act, 1887.

(3.) In the appointment of such inspectors in Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

Modifications of application of Factory Acts to quarries.

3. In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made—

(*a.*) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875;

A.D. 1894.

41 & 42 Vict. c. 16.

(*b.*) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878, shall not apply to any such quarry;

(*c.*) Nothing in section fifty-eight of the Factory and Workshop Act, 1878, shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

Commencement of Act.

4. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

Short title.

5. This Act may be cited as the Quarries Act, 1894.

SCHEDULE.

A.D. 1894.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO QUARRIES.

Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77).

Section nine.

Section eleven, with the substitution of the word "explosive" for the word "powder."

Sections [fifteen to] eighteen.

Sections twenty [to twenty-two.]

Sections twenty-four [to forty.]

In section forty-one, the definitions of "owner" and "agent," and the definition of "court of summary jurisdiction" so far as it relates to Scotland.

Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39).

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55 Vict. c. 47).

Section one.

A

B I L L

INTITULED

An Act to provide for the better Regulation of Quarries.

(*Brought from the Lords* 24 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1894.

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[*Price* 1*d.*]

[Bill 341.]

A

B I L L

INTITULED

An Act for amending the Law with respect to the Time for holding Quarter Sessions. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of 4 & 5 Will. 4. c. 47 to all quarter sessions.

1. The Quarter Sessions Act, 1834, shall extend so as to enable the justices in that Act mentioned, at any time when it may appear desirable for the purpose of not interfering with the assizes then next ensuing, to fix or alter the day for holding the next general quarter sessions so as the sessions be held not earlier than fourteen days before nor later than fourteen days after the day on which they would otherwise be held.

Short titles.

2. The Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter forty-seven, intituled "An Act for preventing the interference of the spring assizes with the April quarter sessions," is in this Act referred to and may be cited as the Quarter Sessions Act, 1834, and that Act and this Act may be cited together as the Quarter Sessions Acts, 1834 and 1894, and this Act may be cited as the Quarter Sessions Act, 1894.

Quarter Sessions.

[H.L.]

A

B I L L

INTITULED

An Act for amending the Law with respect to the Time for holding Quarter Sessions.

(*Brought from the Lords* 16 *April* 1894.)

Ordered, by The House of Commons, *to be Printed,* 16 *April* 1894.

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[Bill 162.]

A

B I L L

TO

Amend the Railway and Canal Traffic Act, 1888. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Complaints as to rates or charges raised since 1892.

1.—(1.) Where a railway company have, since the last day of December one thousand eight hundred and ninety-two, increased, or hereafter increase, any rate or charge, then if any complaint is made that the rate or charge is unreasonable, it shall lie on the company to prove that the rate or charge is reasonable, and for that purpose it shall not be sufficient to show that the rate or charge is within any limit fixed by an Act of Parliament or by any Provisional Order confirmed by Act of Parliament.

(2.) The Railway and Canal Commissioners shall have jurisdiction to hear and determine any complaint with respect to any such rate or charge, but not until a complaint with respect thereto has been made to and considered by the Board of Trade under section thirty-one of the Railway and Canal Traffic Act, 1888.

51 & 52 Vict. c. 25.

(3.) Section twelve of the Railway and Canal Traffic Act, 1888, shall apply in the case of any such complaint, and in the case of any rate or charge increased before the *passing of this Act* shall have effect as if *six months after the passing of this Act* were substituted for the limit of one year therein mentioned.

Restrictions on power to award costs.

2. In proceedings before the Railway and Canal Commissioners, other than disputes between two or more companies, the Commissioners shall not have power to award costs on either side, unless they are of opinion that either the claim or the defence has been frivolous and vexatious.

Short title.

3. This Act may be cited as the Railway and Canal Traffic Act, 1894, and shall be read with the Railway and Canal Traffic Acts, 1873 to 1888.

[Bill 156.]

Railway and Canal Traffic.

A

B I L L

To amend the Railway and Canal Traffic Act, 1888.

(*Prepared and brought in by Mr. Mundella, Mr. Burt, and Mr. Shaw-Lefevre.*)

Ordered, by The House of Commons, *to be Printed,* 12 *April* 1894.

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[*Price* ½*d.*]

[Bill 156.]

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Railway and Canal Traffic Act, 1888. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Complaints as to rates or charges raised since 1892.

1.—(1.) Where a railway company have, either alone or jointly with any other railway company or companies, since the last day of December one thousand eight hundred and ninety-two, directly or indirectly increased or hereafter increase directly or indirectly, any rate or charge, then if any complaint is made that the rate or charge is unreasonable, it shall lie on the company to prove that the increase of the rate or charge is reasonable, and for that purpose it shall not be sufficient to show that the rate or charge is within any limit fixed by an Act of Parliament or by any Provisional Order confirmed by Act of Parliament.

(2.) Under and subject to any regulations which may be made by the Board of Trade, every railway company shall keep the books, schedules, or other papers, specifying all the rates, charges, and conditions of transport in use upon such railway on the thirty-first day of December one thousand eight hundred and ninety-two, open for inspection at its head office, and shall upon demand supply copies of or extracts from such books, schedules, and papers.

(3.) The Railway and Canal Commissioners shall have jurisdiction to hear and determine any complaint with respect to any such rate or charge, but not until a complaint with respect thereto has been made to and considered by the Board of Trade under section thirty-one of the Railway and Canal Traffic Act, 1888. 51 & 52 Vict. c. 25.

(4.) Unless the court shall otherwise order, a complainant to the Railway and Canal Commissioners under this section shall, before or within fourteen days after filing his complaint, pay to the railway company such sum in respect of any rate or charge complained of as would have been payable by him to them had the rate or charge

A.D. 1894.

in force immediately before the increase remained in force; any dispute as to the amount so payable shall be decided by the registrar, but such payment or decision shall be without prejudice to any order of the court upon the complaint, or in such other mode as the court may order.

51 & 52 Vict. c. 25.

(5.) Section twelve of the Railway and Canal Traffic Act, 1888, shall apply in the case of any such complaint, and in the case of any rate or charge increased before the passing of this Act shall have effect as if six months after the passing of this Act were substituted for the limit of one year therein mentioned, but the Board of Trade may, if they think fit, extend the said period of six months with respect to any complaints made to them during that period.

Restrictions on power to award costs.

2. In proceedings before the Railway and Canal Commissioners, other than disputes between two or more companies, the Commissioners shall not have power to award costs on either side, unless they are of opinion that either the claim or the defence has been frivolous and vexatious.

Amendment of 36 & 37 Vict. c. 48. s. 14. as to division of rates.

3. The provisions of section fourteen of the Regulation of Railways Act, 1873, with respect to the power to make orders and failure to comply with such orders, shall extend to any rates entered in books kept in pursuance of section thirty-four of the Railway and Canal Traffic Act, 1888.

Rebate on sidings rates.

4. Whenever merchandise is received or delivered by a railway company at any siding or branch railway not belonging to the company and a dispute arises between the railway company and the consignor or consignee of such merchandise as to any allowance or rebate to be made from the rates charged to such consignor or consignee in respect that the railway company does not provide station accommodation or perform terminal services, the Railway and Canal Commissioners shall have jurisdiction to hear and determine such dispute, and to determine what, if any, is a reasonable and just allowance or rebate.

Short title.

5. This Act may be cited as the Railway and Canal Traffic Act, 1894, and shall be read with the Railway and Canal Traffic Acts, 1873 to 1888.

Railway and Canal Traffic.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Railway and Canal Traffic Act, 1888.

(*Prepared and brought in by Mr. Mundella, Mr. Burt, and Mr. Shaw-Lefevre.*)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1894.

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[*Price* ½*d.*]

[Bill 356.]

A

BILL

TO

Amend the Railway and Canal Traffic Act, 1888. A.D. 1894.

WHEREAS it is expedient to amend the Regulation of Railways Act, 1873, and the Railway and Canal Traffic Act, 1888:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Railway and Canal Traffic (Amendment) Act, 1894.

Construction of Act.

2. This Act shall be read and construed as one with the Regulation of Railways Act, 1873, and the Railway and Canal Traffic Act, 1888, and any Act or Acts amending the same respectively.

Analysis of rates.

3. The Railway and Canal Commissioners may from time to time, on the application of any person interested, make orders with respect to any particular description of traffic, requiring a railway company or canal company in any book kept by such company in pursuance of section fourteen of the Regulation of Railways Act, 1873, or of section thirty-four of the Railway and Canal Traffic Act, 1888, to distinguish in regard to any rates shown therein or required by either of the said Acts to be shown therein, and also in regard to any through rates within the meaning of section twenty-five of the Railway and Canal Traffic Act, 1888, how much is charged for conveyance of the traffic on the railway or canal, including therein tolls for the use of the railway or canal, how much for the use of carriages, waggons, vessels, or locomotive power, how much for terminal accommodation, how much for terminal services, and how much for other services, specifying the nature and detail of such terminal or other services, and the circumstances under which such charges respectively or any of them are to be made.

A.D. 1894.

Terminal charges deemed to be included in all rates where terminal services proposed.

4. Whenever a railway company or canal company undertakes to provide accommodation, perform a duty, or render a service, in addition to conveyance on the railway or canal, in regard to the traffic of any trader, the total rate quoted or charged by the company to the trader in respect of such traffic shall be deemed to include a charge or charges for the provision of such accommodation, the performance of such duty, or the rendering of such service, as the case may be, and the company in distinguishing the said rate in manner provided for by this Act or by the Regulation of Railways Act, 1873, or by the Railway and Canal Traffic Act, 1888, shall in every case (notwithstanding that the amount of the said rate may be less than equal to or more than the maximum rate for conveyance authorised by any Act or Acts applicable to such traffic) attribute as the charge or charges for the use of such accommodation, the performance of such duty, or the rendering of such service, such portion or portions of the total rate as is or are just and reasonable, having regard to the cost to the company of providing such accommodation or performing or rendering such duty or service.

Rebates to private sidings owners.

5.—(1.) Whenever merchandise is received or delivered by a railway company (other than a dock or harbour authority) at any siding or branch railway belonging to or leased by the consignor or consignee of such merchandise, in calculating the rate to be charged in respect thereof, the company shall, if accommodation has been provided or services have been performed by such consignor or consignee, make to him in return for the accommodation or services so provided or performed by him a just and reasonable allowance or rebate, having regard not only to the rate charged by the company for merchandise in the same class of the statutory classification of the company when received at or forwarded to their nearest station from or to the same place of origin or destination (notwithstanding that such rates, or either of them, may not exceed the authorised maximum rate for conveyance), but also to the cost which would be incurred by the company if they themselves had provided such accommodation or performed such services or any of them.

(2.) Whenever a railway company (other than a dock or harbour authority), at any siding or branch railway not belonging to or leased by the company or some other such company, receive or deliver any merchandise from or to any person other than the consignor or consignee thereof, the company shall, if any accommodation has been provided or any service has been performed by the

person aforesaid, make to him out of the total rate received or charged by them in return for the accommodation or service so provided or performed by him a just and reasonable allowance or rebate, having regard to the circumstances mentioned in sub-section one hereof.

(3.) Any allowance to be made in pursuance of this section shall, in the event of a dispute and upon the application of either party, be fixed by an arbitrator to be appointed by the Board of Trade.

Power to enforce section four and penalty for non-compliance.

6. If any company shall fail to comply with the provisions of section four of this Act, the Railway and Canal Commissioners shall have all such powers for enforcing compliance therewith as are vested in them for enforcing the provisions of section fourteen of the Regulation of Railways Act, 1873, and the company shall for each offence, and in the case of a continuing offence for every day during which the offence continues, be liable on summary conviction to a penalty not exceeding *five pounds*.

Definition.

7. The expression "any person interested," as used in section four of this Act and section fourteen of the Regulation of Railways Act, 1873, shall be deemed to include any person who has received or sent or bonâ fide desires to receive or send over a railway or canal of the company any merchandise in the same class of the statutory classification of the company.

Railway and Canal Traffic Act (1888) Amendment.

A

B I L L

To amend the Railway and Canal Traffic Act, 1888.

(*Prepared and brought in by Sir James Whitehead, Mr. Richardson, Sir Alfred Hickman, Mr. William Smith, Mr. Burnie, and Mr. Patrick McHugh.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 43.]

A

B I L L

TO

Amend the constitution, powers, and procedure of the Railway Commission. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Railway and Canal Commission Act, 1894.

This Act shall be construed as one with the Railway and Canal Traffic Act, 1888.

Appointment of Commissioners.

2. Section three of the Railway and Canal Traffic Act, 1888, is hereby repealed, and the following is substituted:—

(1.) The two appointed Commissioners may be appointed by Her Majesty from time to time as vacancies occur.

(2.) They shall be appointed on the recommendation of the President of the Board of Trade, and one of them shall be of experience in Railway Business and the other in Trade and Commerce. Upon the occurrence of the next vacancy after the *passing of this Act*, the Commissioner to be appointed shall be of experience in Trade and Commerce.

(3.) Section five of the Regulations of Railways Act, 1873, shall apply to each appointed Commissioner.

(4.) There shall be paid to each appointed Commissioner such salary, not exceeding *three thousand pounds* a year, as the President of the Board of Trade may, with the concurrence of the Treasury, determine.

(5.) It shall be lawful for the Lord Chancellor, if he think fit, to remove for inability, or for non-possession of the qualifications required by this section, or for misbehaviour, any appointed Commissioner.

[Bill 185.]

A.D. 1894.

3. Sub-section (3) of section five of the Railway and Canal Traffic Act, 1888, is repealed, and the following is substituted:—

The ex-officio Commissioner shall preside at the hearing of any case. The Commissioners may sit together, or in any less number, or singly, under and subject to regulations which may be made from time to time by the Lord Chancellor, the Lord President of the Court of Session, and the Lord Chancellor of the Court of Ireland, respectively.

Similar regulations may also be made to authorise the Registrar of the court to hear such cases as may be delegated to him from time to time by general or special order of the Commissioners.

Board of Trade Report to, and appear before, Commission.

4. If, after a complaint with respect to any rate or charge (including a through rate) has been made to, and considered by the Board of Trade under section thirty-one of the Railway and Canal Traffic Act, 1888, the matter has been afterwards taken before the Railway and Canal Commissioners, the Board of Trade may, upon the application of either of the parties, and if, in its discretion, it shall think fit, make a Report of the circumstances of the case, and of its opinion thereon, to the Commissioners; and it may also, in the like discretion, appear before the Commissioners and support such opinion.

Commissioners may refer case to arbitration.

5. The Commissioners may order any such case to be referred to arbitration.

Railway Commission.

A

B I L L

To amend the constitution, powers, and procedure of the Railway Commission.

(*Prepared and brought in by*
Sir Albert Rollit, Dr. Hunter,
Mr. John Ellis, Mr. Hanbury, Mr. Channing,
Sir Alfred Hickman, Mr. Burnie, Mr. Dodd,
Mr. Field, Mr. Jacks, and Mr. Patrick M'Hugh.)

Ordered, by The House of Commons, *to be Printed,*
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90, West Nile Street, Glasgow; or
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[*Price* ½*d.*]

[Bill 185.]

A

B I L L

TO

Confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges of the Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company (Limited), and the Stocksbridge Railway Company. A.D. 1894.

WHEREAS, under the Railway and Canal Traffic Act, 1888, the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed: 51 & 52 Vict. c. 25.

And whereas it is expedient that the said Provisional Order, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act, 1894. Short title.

2. The Order as set out in the schedule to this Act annexed shall be, and the same is hereby confirmed, and all the provisions of the said Order, in manner and form as they are set out in the said schedule, shall, from and after the *passing of this Act*, have full validity and effect. Confirmation of Order in schedule.

A.D. 1894.

SCHEDULE.

Order of the Board of Trade under the Railway and Canal Traffic Act, 1888, *fixing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges, including all Terminal Charges, applicable to the said Classification of the Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company, Limited, and the Stocksbridge Railway Company.*

Short title.

1. This Order may be cited as the Railway Rates and Charges (Easingwold Railway, &c.) Order, 1894.

Commencement.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as the commencement of this Order.

Interpretation.

3. This Order is to be read and construed, subject in all respects to the provisions of the Railway and Canal Traffic Acts, 1873 and 1888, and of any other Acts or parts of Acts incorporated therewith.

Schedule of maximum rates and charges for Easingwold Railway Company.

4. From and after the commencement of this Order, the maximum rates and charges which the Easingwold Railway Company shall be entitled to charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Railway Rates and Charges, No. 15 (North-Eastern Railway, &c.) Order Confirmation Act, 1892, as if the said Company had been specially included by name amongst the railway companies to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

Schedule of maximum rates and charges for Crieff and Comrie Railway Company.

5. From and after the commencement of this Order, the maximum rates and charges which the Crieff and Comrie Railway Company shall be entitled to charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Railway Rates and Charges, No. 19 (Caledonian Railway, &c.) Order Confirmation Act, 1892, as if the said Company had been specially included by name amongst the railway companies named in the appendix to the said schedule to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

A.L. 1894.

Schedule of maximum rates and charges for East and West Yorkshire Union Railway Company.

6. From and after the commencement of this Order, the maximum rates and charges which the East and West Yorkshire Union Railway Company shall be entitled to charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Great Northern Railway Company (Rates and Charges) Order Confirmation Act, 1891, as if the said Company had been specially included by name amongst the railway companies named in the appendix to the said schedule to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule. Provided that in Part I. of the said schedule the maximum rates and charges applicable to merchandise comprised in Class A and Class B shall be the rates and charges specified in Scale II. of the said part, as if the railway of the said East and West Yorkshire Union Railway Company had been one of the railways specially mentioned in such scale.

Schedule of maximum rate and charges for Harrow and Stanmore Railway Company.

7. From and after the commencement of this Order, the maximum rates and charges which the Harrow and Stanmore Railway Company shall be entitled to charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the London and North-Western Railway Company (Rates and Charges) Order Confirmation Act, 1891, as if the said Company had been specially included by name amongst the railway companies named in the appendix to the said schedule to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

Schedule of maximum rates and charges for Shortlands and Nunhead Railway Company.

8. From and after the commencement of this Order, the maximum rates and charges which the Shortlands and Nunhead Railway Company shall be entitled to charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act, 1891, as if the said Company had been specially included by name amongst the railway companies named in the appendix to the said schedule to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

Schedule of maximum rates and charges for South Clare Railways Company, Limited.

9. From and after the commencement of this Order, the maximum rates and charges which the South Clare Railways Company, Limited, shall be entitled to charge and make in respect of merchandise traffic on the railways of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Railway Rates and Charges, No. 26 (Athenry and Ennis Junction Railway, &c.) Order Confirmation Act, 1892, as if the said Company had been specially included by name amongst the railway companies to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

Schedule of maximum rates and charges

10. From and after the commencement of this Order, the maximum rates and charges which the Stocksbridge Railway Company shall be entitled to

A.D. 1894. charge and make in respect of merchandise traffic on the railway of the said Company shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Railway Rates and Charges, No. 12 (Manchester, Sheffield, and Lincolnshire Railway, &c.) Order Confirmation Act, 1892, as if the said Company had been specially included by name amongst the railway companies named in the appendix to the said schedule to which the said Order applies, and shall be subject to the classification, regulations, and provisions set forth in such schedule.

for Stocksbridge Railway Company.

Railway Rates and Charges Provisional Order (Easingwold Railway, &c.).

A

B I L L

To confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges of the Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company (Limited), and the Stocksbridge Railway Company.

(Prepared and brought in by Mr. Burt and Mr. Mundella.)

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[*Price* ½*d.*]

[Bill 206.]

A

B I L L

TO

Amend the Law relating to the Rating of Hereditaments containing Machinery.

A.D. 1894.

WHEREAS questions have from time to time arisen as to how far machinery is to be taken into consideration in estimating the rateable value of the premises in which any trade, business, or manufacture is carried on, and it is expedient to amend the law relating thereto:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of machinery and appliances which are not to be taken as enhancing the value of the hereditament for purposes of rating.

1. From and after the *passing of this Act* in estimating for the purpose of any valuation list, or poor or other local rate, the gross estimated rental or rateable value of any hereditament occupied for any trade, business, or manufacturing purposes, any increased value arising from machines, tools, or appliances which are not fixed or are only so fixed that they can be removed from their place without necessitating the removal of any part of the said hereditament shall be excluded.

Provided that the gross annual value of any such hereditament shall be estimated at not less than the sum at which it might reasonably be expected to let for the purpose for which it is used on a tenancy from year to year void of the machines, tools, and appliances which it might reasonably be expected would be supplied by the tenant, if the tenant paid all the usual tenants' rates and taxes and tithe rentcharge (if any), and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the said hereditament in a state to command such rent.

Provided also that the terms machines, tools, and appliances for the purposes of this Act shall not apply to any machinery, machine,

A.D. 1894. or plant used in or on the hereditament for producing or transmitting first motive power, or for heating or lighting the said hereditament.

Extent of Act. **2.** This Act shall not apply to Scotland or Ireland.

Short title. **3.** This Act may be cited as the Rating of Machinery Act, 1894.

Rating of Machinery.

A

BILL

To amend the Law relating to the Rating of Hereditaments containing Machinery.

(*Prepared and brought in by*
Mr. Coddington, Mr. Holland,
Mr. Gerald Balfour, Sir Bernhard Samuelson,
Mr. Mather, Mr. Tomlinson,
Sir W. Houldsworth, Mr. Smith Wright,
and Mr. Strachey.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 21.]

A

B I L L

FOR

The Abolition of Prosecutions for the Expression of Opinion on Matters of Religion.

A.D. 1894.

WHEREAS certain laws now in force which were intended for the promotion of religion are no longer suitable for that purpose, and whereas great wrong and injury are often caused by the operation of such laws, and it is expedient to repeal them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No criminal proceedings to be taken for schism, heresy, &c.

1. After the *passing of this Act* no criminal proceedings shall be instituted in any court against any person for schism, heresy, blasphemous libel, blasphemy at common law, or atheism.

Repeal.

2. The Acts contained in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Saving.

3. Provided that nothing herein contained shall be deemed to affect the provisions of an Act passed in the nineteenth year of His late Majesty King George the Second, chapter twenty-one, intituled "An Act more effectually to prevent profane cursing and swearing."

Short title.

4. This Act may be cited as the Religious Prosecutions Abolition Act, 1894.

A.D. 1894.

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Edw. VI. c. 1. -	An Act against such as shall unreverently speak against the Sacrament of the Body and Blood of Christ, commonly called the Sacrament of the Altar; and for the receiving thereof in both kinds.	The whole Act.
1 Eliz. c. 2. s. 3. -	An Act for the uniformity of Common Prayer and Divine Service in the Church, and the Administration of the Sacraments.	In section three the words "shall in any interludes, "plays, songs, rhymes, or, "by other open words, declare or speak anything in "the derogation, depraving, "or despising of the same "book, or of anything "therein contained, or any "part thereof, or,"
9 & 10 Will. III. c. 32.	An Act for the more effectual suppressing of blasphemy and profaneness.	The whole Act.
21 Geo. III. c. 49. -	An Act for preventing certain abuses and profanations on the Lord's Day.	In preamble the words "under pretence of enquiring "into religious doctrines "and explaining texts of "Holy Scripture by persons unlearned and incompetent to explain the "same, &c.;" and in section one the words, "or "for publicly debating on "any subject whatsoever, "upon any part of the "Lord's Day called Sunday."
6 Geo. IV. c. 47. -	An Act for restricting the punishment of leasing making, sedition, and blasphemy in Scotland.	So much of the Act as relates to the crime of blasphemy.

Religious Opinions Prosecutions.

A

B I L L

For the Abolition of Prosecutions for the Expression of Opinion on Matters of Religion.

(*Prepared and brought in by Mr. Storey, Mr. Madden, Mr. Dalziel, Mr. Labouchere, and Mr. Lloyd-George.*)

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[Bill 180.]

A

BILL

TO

Abolish Religious Tests in connexion with the office of Lord Lieutenant-General and General Governor of Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Office of Lord Lieutenant.

1. Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland, *from and after the passing of this Act*, without reference to his religious belief.

Short title

2. This Act may be cited as the Religious Tests (Ireland) Act, 1894.

Religious Tests (Ireland).

A

B I L L

To abolish Religious Tests in connexion with the office of Lord Lieutenant-General and General Governor of Ireland.

(*Prepared and brought in by Mr. P. A. M'Hugh, Mr. Crean, Mr. Tully, and Mr. Pinkerton.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 48.]

A

B I L L

TO

Enable Passengers in Railway Trains and on Steamboats, &c. to make use of Return Tickets at any time after the Date of Issue. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Railways and Steamboats Return Tickets Act, 1894.

Return tickets available any time after issue.

2. From and after a date to be fixed by order of the Board of Trade, and subject to such exceptions, if any, as may be allowed by such order, every passenger ticket issued within the United Kingdom by any railway company, or by any steamboat company or proprietor running boats in connexion with railway trains for a return journey by such trains or boats, shall be available at any time after the date of issue.

Return Tickets.

A

B I L L

To enable Passengers in Railway Trains and on Steamboats, &c. to make use of Return Tickets at any time after the Date of Issue.

(*Prepared and brought in by*
Mr. Alpheus Morton, Mr. Bousfield,
Mr. John Burns, Dr. Clark, Sir John Leng,
Mr. Lloyd Morgan, Mr. Picton, Mr. Provand,
Sir Albert Rollit, and Dr. Tanner.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 102.]

Rivers Pollution Prevention Bill.

MEMORANDUM.

The principal object of this Bill is to improve the law for preventing the pollution of streams by extending to the whole of England (so far as applicable) the provisions of the Mersey and Irwell (Private) Act of 1892. Owing to the numerous amendments made by that Act in the Rivers Pollutions Act of 1876, and to the confusion that would be caused by leaving the Act of 1876 applicable to the sanitary authorities while introducing a new law for county councils, it seems desirable to comprehend in the present Bill the whole statute law relating to river pollution, and to extend the powers of all local authorities.

New clauses and provisoes are added:—

(1.) To prevent the pollution of streams by canals (cl. 7);

(2.) To qualify justices to act, though they are members of the local authority or ratepayers (cl. 13);

(3.) To guard against simultaneous prosecutions for the same offences (cl. 16, proviso);

(4.) To empower any local authority to contribute to the expenses of a prosecution by any other authority (cl. 18 (3));

(5.) To empower the Local Government Board to order in certain cases the rating of areas specially benefited (cl. 20, proviso).

Following the procedure of the Mersey and Irwell Act, which has hitherto been found effective in practice, a court of summary jurisdiction with appeal to quarter sessions has been substituted for the county court with appeal to the High Court (cl. 11 and 12).

1894.

Rivers Pollution Prevention Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Extension of Act.

PART I.—SOLID MATTERS.

3. Prohibition of putting solid matter into streams.

PART II.—LIQUID SEWAGE POLLUTION.

4. Prohibition of sending liquid sewage into streams.
5. Power to grant time for execution of works in case of existing pollutions.

PART III.—LIQUID MANUFACTURING POLLUTION.

6. Prohibition of sending polluting liquid from manufactory into streams.
7. Prohibition of sending polluted liquid from canals into streams.
8. Restrictions on proceedings under this part of this Act.
9. Local authority to afford facilities for factories draining into sewers.

PART IV.—PENALTIES AND PROCEDURE.

10. Penalty on offences against Act.
11. Recovery of penalties.
12. Appeal to quarter sessions.
13. What justices may act.
14. Orders as to cost of inquiries.
15. Power of inspectors of Local Government Board.

Local Authorities.

16. Local authority.
17. Constitution of a joint committee.
18. Power of local authority, &c. to enforce Act.
19. Power of entry.
20. Expenses of local authority.
21. Application of penalties.

[Bill 95.]

Clause.

Saving Clauses. Definitions and Repeal.

22. Saving as to water flowing from mines and collieries.
23. Powers of Act cumulative.
24. Saving of rights of impounding and diverting water.
25. Saving of certain Conservancy Acts.
26. Power of Lee Conservancy Board to enforce Act.
27. Saving of works of certain local authorities.
28. Definitions.
29. Repeal.

SCHEDULE.

A

B I L L

TO

Make more effectual provision for Prevention of the Pollution of Rivers and Streams. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1894.

Extension of Act.

2. This Act shall not extend to Scotland or Ireland.

Part I.—Solid Matters.

Prohibition of putting solid matter into streams.

See 39 & 40 Vict. c. 75. ss. 2, 5. Mersey and Irwell Act, s. 2.

3. Every person who—

(*a*) puts or throws or causes to be put or thrown or to fall; or

(*b*) knowingly permits to be put or to fall or to be carried; or

(*c*) causes or knowingly permits to be put in such a position as to be liable to fall or to be carried

into any stream the solid refuse of any manufactory, manufacturing process, brickyard, mine, pitshaft or quarry, or any ashes, cinders or clinkers, or any building rubbish or any sludge, or any solid sewage matter, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act:

Provided that, notwithstanding anything in this Act contained, no person shall be deemed to have committed an offence against this Act for doing or causing to be done any of the following acts, that is to say:

(i.) For constructing in or across any stream any building, weir, dam or other permanent work with necessary temporary coffer-dams, which, but for the passing of this Act, he would have a legal right to construct; or

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(ii.) For pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bonâ fide purpose of reclaiming land washed away by the action of such stream, or of supporting or protecting the side or bank of such stream, or of repairing the same, or of erecting or repairing any bridge or ford, or any building, drain, sewer or watercourse upon or within the banks of such stream, or the slopes or walls thereof, at or convenient to the point at which the same shall be so pitched or deposited; or

(iii.) For putting into any stream any sand or gravel, or other natural deposit, which shall have flowed from or been deposited by the current of such stream.

PART II.—LIQUID SEWAGE POLLUTION.

Prohibition of sending liquid sewage into streams.

39 & 40 Vict. c. 75. s. 3. Mersey and Irwell Act, s. 3.

56 & 57 Vict. c. 31.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream after passing through or along a channel which is vested in a sanitary authority, the sanitary authority shall for the purposes of this Act be deemed to knowingly permit the sewage matter so to fall or flow or be carried.

A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority provided he has the sanction of the sanitary authority for so doing.

Power to grant time for execution of works in case of existing pollutions.

See 39 & 40 Vict. c. 75. s. 3. Mersey and Irwell Act, s. 4.

5. On the application of any sanitary authority which at the *passing of this Act* is committing any offence within the meaning of the last preceding section, the county council, or joint committee, or other representative body, within whose county or district the district of such sanitary authority is wholly or partly situate, may, if having regard to all the circumstances of the case they think necessary, by order, grant time to such authority for executing any works or doing any acts necessary to prevent the commission of the offence, and during the time specified in the order (which may be extended by a subsequent order) no proceedings under the said section shall be taken by any person against the authority named in the order.

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PART III.—LIQUID MANUFACTURING AND OTHER POLLUTION.

Prohibition of sending polluting liquid from manufactory into streams.

39 & 40 Vict. c. 75. s. 4. Mersey and Irwell Act, s. 5.

39 & 40 Vict. c. 75.

6.—(1.) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious or polluting liquid other than liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

(2.) Where any such poisonous noxious or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction, at the date of the passing of the Rivers Pollution Prevention Act, 1876, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous noxious or polluting liquid so to fall or flow, or to be carried, shall not be deemed to have committed an offence against this Act if he shows he is using the best practicable and reasonably available means to render harmless the poisonous noxious or polluting liquid so falling or flowing or carried into the stream.

Prohibition of sending polluted liquid from canals into streams.

7. If a person in whom any canal or canalised stream is vested under the provisions of any Act of Parliament or otherwise, causes or permits any poisonous noxious or polluting liquid to fall or flow or to be carried from such canal or canalised stream into any other stream, such person shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Restrictions on proceedings under this part of this Act.

39 & 40 Vict. c. 75. s. 6. Mersey and Irwell Act, s. 6.

8.—(1.) Proceedings shall not be taken under this part of this Act against any person save by a local authority nor without the consent of the Local Government Board.

(2.) A local authority shall, *one month* at least before taking proceedings under this part of this Act against any person, serve by post or otherwise on such person a written notice inviting him, if he desires to show cause why proceedings should not be taken, to appear before the local authority (or a committee of such authority), at a time and place to be specified in the notice.

(3.) If the authority, either after hearing such person by himself agents and witnesses, or in default of his appearance, decide that proceedings ought to be taken they shall forthwith notify their decision and the grounds thereof to such person and to the Local Government Board, and shall apply for the Board's consent.

(4.) The Board may hold a local inquiry into the circumstances of the case, but shall inform the authority and such person whether they give or withhold their consent before the expiration of *three months* from the date of the authority's application for it.

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(5.) The Local Government Board shall not give their consent to such proceedings, unless they are satisfied that means for rendering harmless the poisonous noxious or polluting liquid are reasonably practicable and available under all the circumstances of the case.

Local authority to afford facilities for factories draining into sewers.
39 & 40 Vict. c. 75. s. 7.

9. Every local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers:

Provided that this section shall not extend to compel any local authority to admit into their sewers any liquid which would prejudicially affect such sewers, or the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise be injurious from a sanitary point of view:

Provided also, that no local authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

Part IV.—Penalties and Procedure.

Penalty on offences against Act.
Mersey and Irwell Act, s. 7. See 39 & 40 Vict. c. 75. s. 10.

10. Every person who commits an offence against this Act, for which no other penalty is specified, shall be liable for the first offence to a penalty not exceeding *twenty pounds*, and for a second or any subsequent offence to a penalty not exceeding *fifty pounds*, and to a penalty not exceeding *forty shillings* for every day on which the offence is continued after conviction.

Recovery of penalties.
Mersey and Irwell Act, s. 8.

11.—(1.) Offences under this Act may be prosecuted and penalties recovered in a summary manner before a court of summary jurisdiction.

(2.) In any proceedings under this Act, a local authority may act by their clerk or other officer authorised in that behalf.

(3.) A court of summary jurisdiction, before which any person is summoned for an offence under this Act, may by order require such person to abstain from the commission of such offence, and, where such offence consists in default to perform a duty under this Act, may require him to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given, or condition

being performed, as it may think just, and generally may give such directions for carrying into effect any order as to the court seems meet.

(4.) Any person making default in complying with any requirement of an order of the court, under this section, shall be liable to a penalty not exceeding *fifty pounds* a day for every day during which he is in default, as the court may order.

Appeal to quarter sessions.

12. If either party in any proceedings feels aggrieved by the decision of a court of summary jurisdiction under this Act, such party may appeal to the next practicable court of quarter sessions, holden in or for the county, borough, or place where the matter of appeal arises.

What justices may act.
38 & 39 Vict. c. 55. s. 258.

13. No justice of the peace shall be deemed to be incapable of acting in cases arising under this Act by reason of his being a member of a local authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses incurred by such authority are by this Act to be defrayed.

Orders as to costs of inquiries.
39 & 40 Vict. c. 75. s. 14.

14. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, including the salaries of any inspectors of the Board engaged in such inquiries not exceeding *three guineas* a day, and as to the parties by whom such costs shall be borne, and every such order may be made a rule of the High Court.

Power of inspectors of Local Government Board.
39 & 40 Vict. c. 75. s. 15.
38 & 39 Vict. c. 55.

15. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act.

Local Authorities.

Local authority.
51 & 52 Vict. c. 41.

16.—(1.) In this Act the expression "local authority" includes any sanitary authority and any county council, also any joint committee or other representative body constituted under this Act, or under section fourteen of the Local Government Act, 1888, or under any other Act, for the purpose of enforcing the laws relating to the pollution of rivers:

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Provided that where a county council, or a joint committee or other such representative body, has instituted proceedings in respect of any offence against this Act, no proceedings shall be taken in respect of the same offence, or any recurrence thereof, by any other local authority having jurisdiction within the district of such council, committee, or body.

(2.) The expression "district," used in relation to a local authority, means the sanitary district, administrative county, or other area, as the case may be, within which such authority has jurisdiction.

(3.) A county council may, subject to the provisions of the Local Government Act, 1888, delegate to a committee or committees all or any of the powers exerciseable by them as a local authority under this Act.

Constitution of a joint committee.

51 & 52 Vict. c. 41. s. 14(3).

17.—(1.) The Local Government Board, by provisional order made on the application of the council of any of the counties or county boroughs concerned, may constitute a joint committee or other body, representing all the administrative counties and county boroughs through or by which a stream, or any specified portion of a stream, or any tributary thereof, passes, and may confer on such committee or body all the powers of a local authority under this Act, or such of them as may be specified in the order; and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the administrative counties and county boroughs represented by it, and for the audit of the accounts of such committee or body, and their officers.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relates to the making of provisional orders by the Local Government Board) shall apply, for the purposes of this section, as if they were herein re-enacted and in terms made applicable thereto.

Power of local authority, &c. to enforce Act.

39 & 40 Vict. c. 75. s. 8. 51 & 52 Vict. c. 41. s. 14 (2).

18.—(1.) Every local authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act affecting their district, whether such offence is committed within or without their district.

(2.) Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against this Act by any person aggrieved by the commission of such offence.

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(3.) Any local authority shall have power to contribute towards the cost of any prosecution under this Act instituted by any other local authority.

Power of entry.

Mersey and Irwell s. 10.

19. For the better enforcement of the provisions of this Act it shall be lawful for any officer of or other person authorised by a local authority, to enter at any reasonable time on any land, manufactory or other work or building, for the purpose of taking and carrying away and to take and carry away samples of any effluent at the point where it passes into any stream. Such officer or person shall leave under seal a duplicate of every sample taken by him with the owner or occupier of the premises whence the effluent flows.

Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding five pounds.

Expenses of local authority.

20. The expenses incurred by a local authority in the execution of this Act shall be payable as follows:—

(*a.*) In the case of a sanitary authority, as general expenses incurred in the execution of the Public Health Acts;

(*b.*) In the case of a county council, as expenses incurred in the execution of the Local Government Act, 1888;

(*c.*) In the case of a joint committee or other representative body, in manner directed by the order or Act constituting such committee or body:

Provided that the Local Government Board may, wherever they think the circumstances of the case make it just so to do, direct, either by a provisional order made under this Act or by an order issued on the application of a county council, that any of the expenses incurred by a county council or joint committee in the execution of this Act shall be payable as "special expenses" within the meaning of section sixty-eight of the Local Government Act, 1888, and be leviable on the sanitary districts or parishes mentioned in the order.

51 & 52 Vict. c. 41. s. 68.

Application of penalties.

See Mersey and Irwell, s. 9 (2).

21. All penalties recovered under this Act by a local authority shall be carried to the credit of the fund out of which the expenses incurred by such authority in the execution of this Act are directed to be paid.

Saving Clauses. Definitions and Repeal.

Saving as to water flowing from mines and collieries

22. Notwithstanding anything in this Act contained no person shall be deemed to have committed an offence against this Act or be liable to any proceeding under this Act by reason or in consequence

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Mersey and Irwell Act, s. 15.

of any water flowing into a stream in the same condition as that in which such water has been drained or raised from any mine, pit, shaft or quarry, or by reason or in consequence of any water flowing into a stream from any colliery or pit bank, or by reason or in consequence of any water so flowing which has passed through an efficient settling tank in connexion with any coal washing machinery.

Powers of Act cumulative.

39 & 40 Vict. c. 75. s. 16.

23. The powers conferred by this Act for enforcing the punishment of offences shall not be deemed to prejudice or affect any other rights or powers of a like nature vested in any person or persons by Act of Parliament, law or custom, and such other rights or powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.

Saving of rights of impounding and diverting water.

39 & 40 Vict. c. 75. s. 17.

24. This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

Saving of certain Conservancy Acts.

39 & 40 Vict. c. 75.

25. Nothing in or done under this Act shall extend to, interfere with, take away, abridge or prejudicially affect any right, power, authority, jurisdiction or privilege given by the Thames Conservancy Acts, 1857 and 1864, or by the Thames Navigation Act, 1866, or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the London County Council (although outside the county of London) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege, of the London County Council.

Power of Lee Conservancy Board to enforce Act.

39 & 40 Vict. c. 75. s. 9.

26. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have the powers for enforcing the provisions of this Act which local authorities have under this Act.

The said Conservancy Board may also enforce the provisions of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to orders of courts and appeal therefrom shall apply accordingly.

Saving of works of certain local authorities. 39 & 40 Vict. c. 75. s. 19.

27. Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority in pursuance of such enactment shall be deemed to be an offence against this Act.

Definitions. 39 & 40 Vict. c. 75. s. 20.

28. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them, that is to say :

"Person" includes any local authority and any other body of persons, whether corporate or unincorporate ;

"Stream" includes the sea to such extent, and tidal waters to such point as may, after local inquiry and on sanitary grounds, have been or may hereafter be determined by the Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid ;

"Solid matter" shall not include particles of matter in suspension in water ;

"Polluting" shall not include innocuous discolouration ;

"Sanitary authority" means—

(*a*) within the administrative county of London, any local authority acting in the execution of the Public Health (London) Act, 1891 ; 51 & 52 Vict. c. 76.

(*b*) elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875 ;

"County council" means the council of an administrative county established under the Local Government Act, 1888, and does not include the council of a county borough.

Repeal.

29. The enactments set forth in the schedule to this Act are hereby repealed to the extent mentioned in such schedule. Provided that—

(i.) Any enactment or order referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act ;

(ii.) This repeal shall not affect—

(*a*) the past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or

A.D. 1894.

(*b*) any right acquired or liability incurred under any such enactment; or

(*c*) any penalty incurred in respect of any offence committed against any such enactment; or

(*d*) any inquiry or legal proceeding now pending in respect of any such right, liability or penalty as aforesaid; and any such inquiry and legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

Enactments repealed.	Extent of Repeal.
39 & 40 Vict. c. 75. - - -	The whole Act as regards England.
51 & 52 Vict. c. 41. - - -	Section 14.
56 & 57 Vict. c. 31 - - -	The whole Act.

Rivers Pollution Prevention.

A

B I L L

To make more effectual provision for Prevention of the Pollution of Rivers and Streams.

(*Prepared and brought in by*
Sir Francis S. Powell, Mr. Henry Hobhouse,
Sir John Dorington, Mr. Barran,
Sir Henry Howorth, and Dr. Farquharson.)

Ordered, by The House of Commons, *to be Printed,*
20 *March* 1894.

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[Bill 95.]

A

B I L L

TO

Put an end to Subventions from one Road Authority in Scotland to another. A.D. 1894.

WHEREAS it is just and equitable that the cost of the management and maintenance of roads and highways, or of streets, roads, and highways situated within the jurisdiction of any road authority, whether of a county or of a burgh, should be borne by such authority, and that any payment or subvention now made by one road authority to another road authority, towards the cost of maintaining roads and highways situated beyond the jurisdiction of the authority making such payment, should cease and determine:

And whereas these objects cannot be effected without the authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):

Short title.

1. This Act may be cited for all purposes as the Roads Subvention Abolition (Scotland) Act, 1894.

Repeal of provisions as to subventions.

2. From and after the *first day of June* next following the passing of this Act, no payment or subvention shall be made by any road authority towards the cost of maintaining streets, roads, or highways situated beyond its jurisdiction to any other road authority, and sub-sections two and three of section eighty-nine of the Roads and Bridges (Scotland) Act, 1878, and also the Edinburgh Roads Act, 1882, and the Roads and Streets in Police Burghs (Scotland) Act, 1891, in so far as these two Acts last-named provide for a payment or subvention from one road authority to another, shall be repealed as from the said *first day of June* next after the passing of this Act, without prejudice to any right accrued before that day.

Extent of Act.

3. This Act shall extend to Scotland only.

[Bill 117.]

Road Subvention Abolition (Scotland).

A

B I L L

To put an end to Subventions from one Road Authority in Scotland to another.

(*Prepared and brought in by Sir Charles Cameron, Viscount Wolmer, Mr. Baird, Mr. Robert Wallace, Sir James Carmichael, Mr. M'Ewan, Mr. Cameron Corbett, Mr. Paul, and Mr. Provand.*)

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 117.]

A

B I L L

TO

Amend the Sale of Food and Drugs Act, 1875, and the Margarine Act, 1887. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

38 & 39 Vict. c. 63. to apply to wholesale traders.

1. The provisions of the Sale of Food and Drugs Act, 1875, and of any Act amending the same, shall apply to and include every wholesale trader or manufacturer of any article of food or drug who shall sell to the prejudice of the purchaser any article of food or drug which is not of the nature, substance, and quality of the article demanded by such purchaser; and the seventeenth section of the said Act shall be read as if the words "whether by wholesale or" were inserted between the words "on sale" and the words "by retail" in the said section.

Amendment of s. 17.

Amendment of s. 25. 38 & 39 Vict. c. 63.

2. The twenty-fifth section of the said Act shall be and is hereby amended by the deletion of the word "written" before the words "warranty to that effect," and every wholesale trader or manufacturer of any article of food or drug, or other person who in the course of trade shall sell to any person any article of food or drug, with intent that the same may be resold by retail in the state in which it is purchased from him, shall, unless he has in writing informed the purchaser to the contrary, be deemed, for the purposes of the said Act, to have given a warranty to the person purchasing from him that such article of food or drug is of the nature, substance, and quality demanded by such purchaser.

Provision as to "margarine."

3. In any proceedings under the principal Act having reference to the sale of "margarine" as defined by the Margarine Act, 1887, it shall be a good defence to prove that the sale was made in conformity with the regulations of the said Margarine Act, 1887, and

A.D. 1894.

in the case of proceedings in Scotland under the said Margarine Act, the thirty-third section of the Food and Drugs Act, 1875, shall be held to be added to the sections twelve to twenty-eight inclusive incorporated in section twelve of that Act.

Provisions as to mixtures of chicory and coffee.

4. In determining whether an offence has been committed under section six of the principal Act, by selling to the prejudice of the purchaser coffee not adulterated otherwise than by the admixture of chicory, it shall be a good defence to prove that the seller delivered with or on such mixture a notice by a label distinctly and legibly written or printed, in the form given in the schedule to this Act, stating the proportions of coffee and chicory contained in such mixture.

Proportion of water in butter constituting an adulteration.

5. Whereas it is desirable to interpret the law as to the proportion of water in butter which shall be deemed as constituting an offence in proceedings under the principal Act: be it enacted that the sale of butter containing more than per centum by weight of water sold as butter shall be deemed to constitute a sale to the prejudice of the purchaser, unless such excess of water is intimated by the seller at the time of sale, and the onus of proving such intimation shall lie with the said seller.

Construction.

6. This Act shall be read and construed with the Sale of Food and Drugs Act, 1875, and any Act amending the same.

Short title.

7. This Act may be cited for any purposes as the Sale of Food and Drugs Act, 1875, Amendment Act, 1894.

SCHEDULE.

A.D. 1894.

Coffee Mixture containing—

Coffee - four-fifths Chicory - one-fifth	*or*	three-fourths one-fourth	*or*	one-half one-half	*or*	one-fourth. three-fourths.	Form of label.

And so on, as the case may be, specifying in equal parts on each label the respective proportions of coffee and chicory contained in the mixture sold.

Sale of Food and Drugs Act (1875), &c. Amendment.

A

B I L L

To amend the Sale of Food and Drugs Act, 1875, and the Margarine Act, 1887.

(*Prepared and brought in by Sir Charles Cameron, Mr. Frederick Frye, Mr. Kearley, Dr. Farquharson, and Mr. Channing.*)

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[Bill 141.]

Sale of Intoxicating Liquors Bill.

ARRANGEMENT OF CLAUSES.

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31. Non-compliance with Act.
32. Corrupt practices, election petitions, &c.
33. Election valid unless questioned within twelve months.
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SCHEDULES.

A

B I L L

TO

Amend the Law relating to the Sale of Intoxicating Liquor. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.—Amendments of Licensing Law.

Establishment of Licensing Boards.

Establishment of licensing boards.

1.—(1.) There shall be established a licensing board for every licensing district, or where any licensing districts are combined under this Act for that combination of districts.

(2.) The board shall consist of elected members, and of ex-officio members.

(3.) The elected members of the board shall be elected in accordance with the provisions of this Act by the persons enrolled or registered on the Local Government Register.

(4.) The ex-officio members of the board shall be appointed by the licensing justices of the district out of their number.

(5.) The number of the elected members in each district shall be such number, not less than seven, or more than twelve, as may be fixed where the district is a borough, by the council of that borough, and in any other case by the council of the county in which the district is situate, and the number of appointed members shall not exceed one half the number of the elected members.

(6.) The elected members shall be elected, and the appointed members appointed, for a term of *three years*, and they shall then retire together, and their places shall be filled by a new election and appointment.

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(8.) A person shall be qualified to be an elected member of the licensing board if he is resident in the licensing district.

Transfer of licensing power to licensing board.

2.—(1.) All the powers and duties with respect to licences for the sale of intoxicating liquor which are now vested in the licensing justices, shall on the establishment of licensing boards be transferred to those boards, and shall be exercised and performed by those boards accordingly.

(2.) In the exercise of these powers and in the performance of these duties the licensing boards shall, except as otherwise provided by this Act, be subject to the same right of appeal, and generally to the same provisions to which the licensing justices are subject.

New Forms of Licences.

New forms of licences.

3.—(1.) Licences may be granted under this Act authorising the sale by retail of intoxicating liquor—

(i.) For consumption on and off the premises (herein-after called on-licences);

(ii.) For consumption off the premises (herein-after called off-licences).

(2.) The licences or certificates heretofore granted by justices of the peace in relation to the sale of intoxicating liquor shall cease to be granted, and any reference to any such licence in any Act of Parliament or other document shall, unless the contrary intention appears, be construed to be a reference to the corresponding licence under this Act.

(3.) Licences granted under this Act and licences heretofore granted by justices of the peace shall be deemed to correspond with one another, as follows:—

(i.) An on-licence shall be deemed to correspond with the licences or certificates set out in the first part of the First Schedule to this Act;

(ii.) An off-licence shall be deemed to correspond to the licences or certificates set out in the second part of the First Schedule to this Act.

(4.) Subject to the provisions of this Act the holder of an on-licence shall have all the rights and privileges and all the obligations of, and shall be subject to the same penalties and liabilities as, the holder of any of the licences or certificates, heretofore

granted by justices, with which an on-licence corresponds, and the holder of an off-licence shall similarly have all the rights and privileges and all the obligations of, and shall be subject to the same penalties and liabilities as, the holder of any of the licences or certificates, heretofore granted by justices, with which an off-licence corresponds.

Special provisions as to on-licences.

4. With respect to the grant, renewal, and transfer of on-licences—

(i.) The licensing board shall have the same discretion in every case as the licensing justices now have in the case of a certificate or licence for the sale of beer and cider on the premises, which was not in force on the first of May one thousand eight hundred and sixty-nine:

(ii.) The same qualifications and disqualifications shall apply, both as respects premises and as respects persons, as in the case of the said certificate or licence for the sale of beer and cider on the premises.

Subject, nevertheless, as follows:—

(*a.*) The premises, if situated within the administrative county of London or within the limits of any urban sanitary district containing a population, according to the last published census for the time being, of not less than one hundred thousand inhabitants, shall not be of a less annual value, within the meaning of the Licensing Acts, 1872–1874, than *fifty pounds.*

(*b.*) The premises, if situated elsewhere, shall not be of a less like annual value than *thirty pounds.*

Special provisions as to off-licences.

5. With respect to the grant, renewal, and transfer of off-licences—

(i.) The licensing board shall have the same discretion in every case as the licensing justices now have in the case of a certificate or licence for the sale of beer and cider off the premises:

(ii.) The same qualifications and disqualifications shall apply, both as respects premises and as respects persons, as in the case of the said certificate or licence for the sale of beer and cider off the premises.

Subject, nevertheless, as follows:—

(*a.*) The premises, if situated within the administrative county of London or within the limits of any urban sanitary district containing a population, according to the last published census for the time being, of not less than one hundred thousand inhabitants, shall not be of a less annual value, within the meaning of the Licensing Acts, 1872–1874, than *forty pounds;*

(*b.*) The premises, if situated elsewhere, shall not be of a less like annual value than *twenty pounds.*

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Local Veto.

Local veto after first five years.

6.—(1.) *Five years* after the commencement of this Act and, if a poll has not been taken in any area under this section, at any time subsequent thereto, any ten ratepayers in any of the following areas, namely:—

(i.) a borough not divided into wards;

(ii.) any ward of a borough divided into wards; and

(iii.) any parish not situate in a borough;

may make a requisition to the mayor in the case of a borough or ward of a borough, or to the overseers in the case of a parish as aforesaid, to take a poll for or against the adoption of a resolution prohibiting the grant of on-licences and off-licences in the area for which the poll is taken.

(3.) When a poll has been taken in any area under this section, no further poll shall be taken for at least three years, but, subject to that provision, after a poll has once been taken under this section in any area, any number of ratepayers not less than one-tenth of all the ratepayers in that area may make a requisition to the officers before mentioned in this section to take a poll,—

(i.) for or against the adoption of a resolution prohibiting the grant of on-licences and off-licences in the area if no such resolution is in force;

(ii.) for or against the rescission of any such resolution, if in force in the area.

(4.) If on a poll in any such area the resolution as aforesaid is adopted no on-licence and no off-licence shall be granted in that area while the resolution is in force, provided that any licence in force at the time of the adoption of the resolution shall remain in force until the time when it would have expired if the resolution had not been passed.

(5.) If on a poll in any such area a resolution as aforesaid is rescinded, the licensing board shall have the same powers of granting on-licences and off-licences as they would have had if the resolution had not been adopted.

(6.) A resolution shall not be deemed to be adopted under this section unless at least two-thirds of the persons voting at the poll vote for the adoption, but a resolution shall be rescinded under this section if a majority of the persons voting at the poll vote for the rescission.

(7.) A poll under this section shall be taken in manner provided by the rules set out in the Second Schedule to this Act.

(8.) Nothing in this section contained shall affect the sale of methylated spirits for use in the arts or manufactures under any statute permitting such sale, and, although a resolution is in force in any area, intoxicating liquors may still be sold for medicinal purposes, under such conditions as the licensing board may direct.

Division of parish for purpose of local veto.

7.—(1.) Any ten ratepayers in a parish not situate in a borough may present a petition to the county council of the county in which the parish is situate for the division of their parish in manner set out in the petition into separate areas for the purpose of taking a poll under the last preceding section.

(2.) Within *two weeks* of the presentation of a petition under this section, public notice of the presentation of the petition, and of the terms thereof, shall be given by the petitioners by posting the same in conspicuous places in the parish to which the petition relates, and by advertising the same in some local newspaper circulating in the parish.

(3.) Not less than *one month* after the presentation of a petition under this section, the county council shall take the petition into consideration, and shall also take into consideration any memorial from any person which may be sent to them in reference to the petition, and if satisfied on such consideration that the parish should be divided in manner mentioned in the petition shall make an order for the division of the parish in that manner.

(4.) Where an order is so made for the division of a parish a poll may be taken for each part of the parish so divided as if such part were a separate parish, the persons enrolled or registered in respect of qualifications in such part being alone entitled to vote thereat, and the overseers of the whole parish shall for the purpose of such poll be considered the overseers of each part of the parish so divided.

(5.) Any order of the county council for the division of a parish under this section may be rescinded on a petition presented in like manner and subject to the same provisions as a petition for the division of a parish under this section.

(6.) The making or rescission of an order under this section shall not enable a poll to be taken in any parish or part of a parish in respect of which the order is made or rescinded, at any time at which a poll could not have been taken if the order had not been made or rescinded.

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Regulation of Number of Licences where no Resolution prohibiting the grant of Licences is in force.

Restriction on grant of new licences.

8.—(1.) The licensing board shall not grant a new licence unless the total number of licences is less in their district than the proportion of licences to population fixed by this Act.

(2.) If the total number is less than the proportion the board may grant the new licence, but only in cases where either—

(*a*) the applicant for the new licence is at the time of his application the holder of a similar licence in respect of other premises in the same district for the renewal of which he does not apply; or

(*b*) the board by a resolution passed by a two-thirds majority declare that by reason of increase in population or other circumstances stated in the resolution the grant of a new licence is expedient.

35 & 36 Vict. c. 94.

(3.) Licences by way of removal shall not be granted except by means of the grant of new licences, and section fifty of the Licensing Act, 1872, is hereby repealed.

(4.) The grant of a new licence by the board shall not be subject to confirmation by any authority.

Reduction of number of licences to specified proportion of licences to population.

9.—(1.) If at any time a licensing board find that the total number of licences in their district, or, if their district is partly urban and partly rural in character, in the urban or rural part, exceeds in that district or part of a district the proportion of licences to population fixed by this Act, the board shall take steps to reduce the excess, and for that purpose shall refuse to renew such number of licences as is equal to the excess.

(2.) The board in selecting the licences, the renewal of which is to be refused for the purpose of the reduction of the number thereof under this section, shall have regard to the wants of the neighbourhood and to the character of the licensed premises and of the holder of the licence, but shall not be required to give any reasons for any such refusal.

Proportion of licences to population.

10.—(1.) The proportion of licences to population for the purposes of this Act shall be as follows:—

(*a.*) In licensing districts which are boroughs or urban in character and in any parts of licensing districts which are urban in character, the proportion shall be one for every one thousand of population;

(*b.*) In licensing districts which are rural in character and in any parts of licensing districts which are rural in character, the proportion shall be one for every five hundred of population.

(2.) Parts of licensing districts shall for the purposes of this section be considered urban or rural in character, according as they are situate in an urban or in a rural sanitary district.

(3.) The licensing board shall calculate the population of their district according to the last published census for the time being, or in any year more than three years after the making of the last census, according to any special enumeration made by them, and where their district is partly urban and partly rural in character shall calculate separately the population of the urban part and the population of the rural part.

(4.) Where in any part of a district a resolution is in force prohibiting the grant of licences, that part of the district shall not be reckoned in calculating the proportion of licences to population.

Payments in respect of extinguished licences.

11.—(1.) When at the first annual general licensing after the commencement of this Act, but not on any subsequent occasion, a licensing board shall refuse to renew a licence for the purpose of reducing the number of licences to the proportion of licences to population fixed under this Act, the value of that licence shall be paid to the person holding it by the council of the county in which the licensed premises were situate out of the rate on licensed premises authorised by this Act.

(2.) The value of the licence shall be taken to be the amount by which the value of the premises in respect of which the licence was held exceeds, if used as licensed premises, their value if not so used; and that amount, if not settled by agreement between the county council and the licence holder, shall be determined by the arbitration of two arbitrators and an umpire, under the Arbitration Act, 1889. 52 & 53 Vict. c. 49.

(3.) Any sum due under this section to a licence holder shall be paid to him by the county council by means of an annuity for *ten years* dating from the time when the distribution is finally settled, and calculated at such an amount as will in that time pay him the sum due with interest at the rate of per centum per annum, and any sums becoming due on account of the annuity may be recovered as a debt from the county council.

(4.) When an annuity is payable under this section in respect of the value of a licence, and a resolution prohibiting the grant of licences comes into force in the area in which the premises in respect of which the licence was held were situate, the annuity shall from the date on which the resolution comes into force cease

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to be payable, and no sum shall be recoverable from the county council on account of that annuity unless it became due before that date.

Rate for defraying payments under Act.

12.—(1.) The expenses incurred by the county council for payments on account of annuities payable under this Act shall be defrayed by them by means of a rate assessed and levied on all licensed premises in the county, including railway refreshment rooms, hotels and clubs registered as herein-after mentioned, according to a valuation of them determined by the amount received in respect of the sale of intoxicating liquor in the premises during the past year: Provided that no premises shall be liable to such rate which are not situate within one mile of—

(*a*) any premises the licence of which has not been renewed under this Act, and in respect of which an annuity is for the time being payable by reason of that non-renewal:

(*b*) any area in which a resolution is for the time being in force prohibiting the grant of licences.

Provided also that the licensing board of the district in which any licensed premises are situate shall have power to declare them to be rateable, though not within the distance of one mile as aforesaid, if such board shall consider that by reason of their being on the same main road or otherwise they will derive additional custom from the non-renewal of any licences under this Act, or from any resolution being in force prohibiting the grant of licences.

(2.) The managers of any club registered as herein-after mentioned and liable to be rated under this section, and the holder of the licence of any licensed premises liable to be rated under this section, shall, at such times and in such form as the county council may require, send to the county council a return of the amount of all intoxicating liquor sold by them or him during the year ending on the *thirty-first day of December* then last past, and of the amount received in respect of that sale, distinguishing those amounts for each different kind of intoxicating liquor sold; and the total amount which appears from that return to have been received during the year by the sale of intoxicating liquor shall, subject to the provisions of this Act, be taken to be the valuation of the premises for the purpose of the rate under this section. Every person who shall not have duly made such return as hereby required from him shall be guilty of an offence continuing until such return has been made, and at any time or times during the continuance of such offence shall be liable on summary conviction to a fine not exceeding *five pounds*.

(3.) The county council or the holder of a licence for premises which are liable to be rated under this Act in the county may appeal against the valuation to the court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal to a court of quarter sessions from an order of a court of summary jurisdiction, and the court before which the appeal is tried may alter the valuation, and if they consider that a false return has been made, may impose a fine on the person making the return not exceeding *one hundred pounds.*

(4.) All returns made by the holder of a licence under this section may be inspected at all reasonable hours by any officer of a licensing board in the county, or by any holder of a licence for premises which are liable to be rated under the Act in the county.

(5.) The Commissioners of Inland Revenue shall, for the purpose of enabling the county council to verify the returns made by the holders of licences under this Act, give to the county council full information with reference to the sale or removal of any intoxicating liquors in the county, and shall allow them to inspect at all reasonable hours any documents under the control of the commissioners relating to any such sale or removal.

(6.) The person liable to pay the rate under this Act shall be the holder of the licence for the premises to be rated, and the rate may be levied and collected and the recovery thereof enforced in the same manner as in the case of county rate.

Special Provisions for Railways, Hotels, and Clubs.

Special railway refreshment rooms and hotel licences.

13.—(1.) The licensing board may at their discretion grant special licences for the sale of intoxicating liquor on premises intended to be used—

(*a*) as railway refreshment rooms, for persons arriving or departing by railway;

(*b*) as hotels, that is to say, for the reception of travellers or persons sojourning therein.

(2.) The licensing board may attach such conditions to the grant of special licences under this section as they think necessary for the purpose of preventing the use of the premises in respect of which the licence is granted for any other purpose than that for which they are so intended to be used; and if any person commits or permits any breach of these conditions, he shall be liable on summary conviction before a court of summary jurisdiction to a fine not exceeding *fifty pounds*, and the court before whom he is

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convicted may, if he is the person who holds the special licence, order the licence to be forfeited.

(3.) The provisions of the Acts relating to licensing and of this Act as to the time and procedure for granting licences and the duration of licences shall apply to special licences granted under this section; but the provisions of this Act as to the grant of new licences, the reduction of the number of licences, and local veto, shall not apply to such special licences, nor shall any such special licences be reckoned in calculating the proportion of licences to population under this Act.

(4.) Nothing contained in this or any other Act shall prevent a person from holding an on-licence or an off-licence in respect of any premises adjoining those in respect of which he holds a special licence under this section.

(5.) The licensing board shall have free and unqualified discretion as to the renewal of a special licence under this section.

Registration of clubs.

14.—(1.) The provisions of section three of the Licensing Act, 1872, with regard to the prohibition of the sale of intoxicating liquor by retail without a licence, shall extend to the sale of intoxicating liquor in any club, unless the club is registered under this Act.

(2.) Every licensing board shall keep a register for the purpose of the registration of clubs within their district.

(3.) The licensing board, on the application of the managers of any club within their district, shall, if they are satisfied that the following conditions of registration are complied with in the case of the club, namely—

(i.) that the club is a bonâ fide club used only for social purposes, and

(ii.) that any member elected to the club after the passing of this Act will, under the regulations of the club, be required to pay in addition to his annual subscription an entrance fee of at least *one pound;*

enter the name of that club in the register kept by them under this section, and that club shall, for the purposes of this section, be deemed to be registered.

(4.) The licensing board may charge such fees on the registration of clubs, and such annual fees to registered clubs, as they may fix on a scale graduated according to the subscriptions paid by the members of the club, provided that the maximum fee shall not exceed *twenty pounds*, and that the scale of fees in each licensing district shall be sanctioned by the Local Government Board.

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(5.) Intoxicating liquor shall not be sold in a club otherwise than to members, and intoxicating liquor so sold shall be sold only for consumption on the club premises, and shall not be removed from those premises.

(6.) If the licensing board are satisfied in the case of any registered club, either on the application of any person or otherwise, that—

(i.) the club has ceased to exist; or

(ii.) the conditions of registration are at any time no longer complied with; or

(iii.) there has been any contravention of the provisions of this section with respect to the use of intoxicating liquor in the club; or

(iv.) undue drinking is habitual in the club, or the club is used mainly for the purpose of drinking;

they may remove the name of the club from the register, and the club shall on that removal cease to be a registered club.

(7.) Before the removal of the name of a registered club from the register, the licensing board shall give at least *fourteen* clear days notice to the managers of the club and shall afford them an opportunity of being heard by the board against the removal.

(8.) If a licensing board decide—

(i.) to refuse to register any club under this section; or

(ii.) to remove the name of any club from the register under this section;

any member of the club may appeal to the county council of the county in which the club is situate against the decision of the licensing board, and the county council may either affirm or reverse the decision of the licensing board, and if the decision of the licensing board is reversed that board shall either enter or re-enter the name of the club on the register.

(9.) Notice of any appeal to the county council under this section shall be given to the clerk of the licensing board and of the county council within *fourteen days* after the decision of the licensing board.

(10.) The decision of the licensing board or, in case of appeal, of the county council shall be final on the question of whether a club is or is not a bonâ fide club used only for social purposes.

Sunday Closing and Limiting Hours of Closing.

Discretion of licensing board as to

15.—(1.) The licensing board may, on the grant of a new licence or on the renewal or transfer of a licence, insert in the licence

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hours of opening and closing.

a condition that on week days the premises shall close at *ten p.m.* and that on some one day of the week other than Sunday the premises shall be closed at some hour in the evening not being earlier than *eight* o'clock, and if no general Sunday Closing Act shall be in operation for the locality they may also insert a similar condition as to Sunday, or a condition that the premises shall be closed during the whole of Sunday.

(2.) If any person, during the time at which any premises are directed to be closed in pursuance of any condition inserted in the license under the powers contained in this section, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor although purchased before the hours of closing to be consumed in such premises, he shall for the first offence be liable to a penalty not exceeding *ten pounds* and for any subsequent offence to a penalty not exceeding *twenty pounds*.

Inspectors, Fees and Expenses.

Inspectors of licensed premises.

16.—(1.) A licensing board may appoint, pay, and remove at their discretion inspectors of licensed premises, and may assign to those inspectors the duty of inspecting licensed premises in their district, and such other duties as the board may think expedient for the assistance of the board in the exercise of their powers.

(2.) The number and the remuneration of inspectors of licensed premises appointed by a licensing board shall be subject to the approval of the council of the county in which the licensing district is situate.

(3.) An inspector of licensed premises appointed under this section may in the performance of his duties enter any part of any licensed premises in the district, on the production of an authority from the licensing board or of a certificate of his appointment as inspector under the seal of the board, at any time when those premises are open for the sale of any intoxicating liquor.

(4.) If any person refuses to allow an inspector of licensed premises to enter on any part of any licensed premises in accordance with this Act, or impedes or obstructs any such inspector in the performance of any duty assigned to him by the licensing board, that person shall for each offence be liable on summary conviction to a fine not exceeding *five pounds*.

Expenses and fees.

17.—(1.) All expenses incurred by the licensing board in the performance of their duties under this Act shall (subject to the provisions of this Act as to the payments to be made by the county

council out of the rate on licensed premises) be defrayed by the county council out of the county rate. A.D. 1894.

(2.) The licensing board may charge such fees, not exceeding in each case *ten shillings*, for the grant, renewal, or transfer of a licence under this Act as they think fit, and any fees payable for the grant, renewal, or transfer of any licence to which the licences under this Act correspond shall cease to be payable.

(3.) Any fees received by the clerk of the licensing board or by the licensing board shall be applied by the licensing board in the payment of their expenses under this Act, and so far as not required for that purpose shall be paid to the county fund.

Accounts and audit.

18. The licensing board shall keep separate accounts of their receipts and expenditure, and those accounts shall be audited in like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as shall for the time being be provided by law in the case of the accounts of an urban sanitary authority not being the council of a borough.

Part II.—Constitution of Licensing Boards.

Proceedings of Licensing Boards.

Incorporation and business of a licensing board.

19.—(1.) The licensing board of every district shall be a body corporate by the name of the licensing board of the district for which it is elected, and shall have perpetual succession and a common seal, and power to acquire and hold land for the purposes of this Act without license in mortmain.

(2.) A licensing board shall provide and maintain within their district such offices as may be suitable for transacting their business under this Act.

(3.) A licensing board shall appoint and pay a fit person to be clerk of the licensing board, and may appoint and pay such other officers as may be necessary for the transaction of their business.

(4.) A licensing board shall meet at such times as may be required by the enactments relating to the licensing business transferred to them under this Act, and also at such other times as may be necessary for properly executing their powers and duties under this Act.

(5.) The meetings of the licensing board, and the proceedings thereat, shall be conducted in accordance with the rules as to meetings and proceedings contained in the third schedule to this Act.

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(6.) The clerk of the licensing board shall perform such duties with respect to the licensing business transferred under this Act to the licensing board as were previously performed by the clerk to the licensing justices, and such other duties in addition as the licensing board may direct.

(7.) An act or proceeding of a licensing board shall not be questioned on account of any vacancy in their body, or on account of any defect in the election, appointment, or qualification of any of the members of the board.

(8.) A licensing board shall cause minutes to be kept of their proceedings at any meeting, and these minutes shall be signed by the chairman of the meeting or of the next ensuing meeting. A minute purporting to be so signed shall be received in evidence.

Election of Licensing Boards.

One election.

20. There shall be one election of members of a licensing board for the whole licensing district.

Title to vote.

21.—(1.) At an election of members of a licensing board a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled or registered on the Local Government register, and is entitled to vote in the district, and not otherwise.

(2.) The persons entitled to vote for the licensing board in the district shall be those persons who are enrolled or registered on the Local Government register in respect of property situate in that district.

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

Day of election.

22. The ordinary day of election of members of a licensing board shall be such day as may be fixed by the Local Government Board for the first election of members of a licensing board.

Returning officer at election.

23. At an election of members of a licensing board the returning officer shall be such person as the Local Government Board may appoint.

Notice of election.

24. *Nine days* at least before the day for the election the clerk of the licensing board shall prepare and sign a notice thereof, and publish it by fixing it on the office of the licensing board, and in some conspicuous place in each parish situate in the licensing district.

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Nomination of candidates.

25. The nomination of candidates for the office of member of the licensing board shall be conducted in accordance with the rules in the Fourth Schedule to this Act.

Relation of nomination to election.

26.—(1.) If the number of valid nominations exceeds that of the vacancies, members of the licensing board shall be elected from among the persons nominated.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring members as may be selected for that purpose by the Local Government Board shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination, the retiring members shall be deemed to be re-elected.

Publication of uncontested election.

27. If an election of members of a licensing board is not contested, the returning officer shall publish a list of the persons elected not later than *eleven* o'clock in the morning on the day of election.

Mode of conducting poll at contested election. 35 & 36 Vict. c. 33.

28.—(1.) If an election of members of a licensing board is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and, subject to the provisions of this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of members of a licensing board.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.) The poll shall commence at *eight* o'clock in the forenoon and close at *eight* o'clock in the afternoon of the same day.

(4.) But if one hour elapses during which no vote is tendered, and the returning officer has not received notice that any person has within that hour been prevented from coming to the poll by any riot, violence, or other unlawful means, the returning officer may, if he thinks fit, close the poll at any time before *eight* o'clock.

(5.) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing.

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(6.) The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the use of a room for taking a poll, and the right to vote of persons whose names are on the register of voters, and Rules 16 and 19 in the schedule to that Act, shall not apply in the case of an election of members of a licensing board.

(7.) The returning officer shall at least *four days* before the day of election give public notice of the situation, division, and allotment of polling places for taking the poll at the election, and of the description of the persons entitled to vote thereat and at the several polling stations.

(8.) The returning officer shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes.

(9.) The returning officer shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation and furnish each presiding officer with such number of ballot papers, as in the judgment of the returning officer may be necessary for effectually taking the poll at the election.

(10.) No return shall be made to the clerk of the Crown in Chancery.

(11.) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorize the appointment of any agents of a candidate at an election of members of a licensing board; but if, in the case of such an election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer, one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that election.

Questions which may be put to voters.

29.—(1.) At an election of members of a licensing board, the presiding officer shall, if required by two persons qualified to vote, or by a candidate or his agent, put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, the following questions, or either of them:

(*a.*) Are you the person enrolled [*or* registered] in the Local Government Register now in force for this district [*read the whole entry from the roll or register*]?

(*b.*) Have you already voted at the present election?

(2.) The vote of a person required to answer either of these questions shall not be received until he has answered it.

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(3.) If any person wilfully makes a false answer thereto, he shall be guilty of a misdemeanour.

(4.) Save as by this Act authorised, no inquiry shall be permitted at an election as to the right of any person to vote.

Omission to hold election, or election void.

30.—(1.) If an election of members of a licensing board is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time.

(2.) If an election of a licensing board is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the board shall not thereby be dissolved, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the court.

(3.) Thereupon public notice of the election shall, by such person as the court directs, be fixed on the office of the licensing board, and shall be kept so fixed for at least *six days* before the day appointed for the election; and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections.

Non-compliance with Act.

31. An election shall not be invalidated by non-compliance with the provisions of this Act as to elections, if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act.

Corrupt practices, election petitions, &c.

32.—(1.) For the purpose of preventing corrupt practices at an election of members of a licensing board, and for the purpose of calling an election into question, the following enactments shall apply to an election of members of a licensing board as they apply to an election of a municipal corporation; namely,

(*a.*) Part IV. of the Municipal Corporations Act, 1882 (relating to corrupt practices and election petitions), and any enactment amending or extending the same;

(*b.*) Section two hundred and twenty-five of the Municipal Corporations Act, 1882 (relating to quo warranto and mandamus); and

(*c.*) The Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and any enactment amending or extending the same.

Election valid unless questioned within twelve months.

33. An election of members of a licensing board not called in question within *twelve months* after the election, either by election petition or by information in the nature of a quo warranto, shall be deemed to have been to all intents a good and valid election.

A.D. 1894.

Offences in relation to nomination papers.

34.—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding *six months*, with or without hard labour.

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

Refusal to conduct election.

35. If a returning officer or clerk of a licensing board neglect or refuse to perform any duty in connection with elections imposed on either of them by this Act, the officer or clerk offending shall for every such offence be liable to a fine not exceeding *one hundred pounds*, recoverable by action.

Lists of persons entitled to vote for licensing boards.

36.—(1.) The clerk of every licensing board shall make and keep a list of persons entitled to vote for the licensing board of the district for which he is clerk.

(2.) For the purpose of making such lists the overseers of every parish situate in the district shall deliver to the clerk, when required, copies of the parish burgess lists, or of the parish lists of county electors, as the case may be, and shall also give the clerk, in cases where it is necessary, such information as to the situation of the property in respect of which each person is registered as the clerk may require.

(3.) The lists prepared under this section shall be evidence for or against, but shall not be conclusive for or against the right of any person to vote for a licensing board.

(4.) The lists prepared under this section shall be open to the inspection of any person at any reasonable hour.

(5.) If any overseer neglects or refuses to deliver the copies, or to give the information required by this section, he shall, for every such neglect or refusal, be liable to a fine not exceeding *fifty pounds*, recoverable by action.

Casual vacancy.

37.—(1.) If a casual vacancy occurs amongst the elected members of a licensing board, a member shall be elected to fill the vacancy in the same manner as at an election of a new board, and the person elected shall hold office until the time when the person in whose place he is elected would have gone out of office.

(2.) If a casual vacancy occurs within *six months* before the ordinary day of election of members of a licensing board, the vacancy shall not be filled.

(3.) An election to a casual vacancy shall be held within fourteen days after notice in writing of the vacancy has been given to the clerk of the licensing board by two persons qualified as electors.

(4.) The day of election shall be fixed by the clerk of the licensing board.

Expenses of elections.

38. All expenses of elections shall be defrayed as part of the expenses of the licensing board.

Appointed Members.

Provisions as to appointed members.

39.—(1.) An appointed member of the licensing board may be re-appointed.

(2.) Any casual vacancy occurring amongst the appointed members of the licensing board may be filled by the appointment of another member by the licensing justices, but the member so appointed shall hold office for so long only as the member whose place is vacant would have held office

(3.) An appointed member of the licensing board may resign his office by giving *fourteen days* notice in writing to the licensing justices by whom he was appointed, and his resignation shall take effect on the expiration of that notice.

First appointed members.

40.—(1.) The first appointed members of the licensing boards shall be appointed by the licensing justices of each licensing division before the date for the election of licensing boards, and for that purpose the Local Government Board shall give notice of that date to those justices.

(2.) The justices of each licensing division shall give notice to the returning officer for the first election of the names and addresses of the first appointed members, and the returning officer shall give notice to those members of the day of first meeting of the licensing board.

PART III.—SUPPLEMENTAL.

First election.

41.—(1.) The Local Government Board shall fix some day not less than *two* and not more than *six* months after the passing of this Act as the date for the election of licensing boards.

(2.) The Local Government Board shall appoint a returning officer for the first election in each district.

(3.) The duties to be performed by the clerk of the licensing board under this Act, with reference to the preparation of lists of persons entitled to vote and otherwise with reference to the election

A.D. 1894.

of licensing boards, shall for the purpose of the first election of licensing boards be performed by the clerk of the licensing justices; and the provisions of this Act shall apply accordingly as if, for the purpose of the first election, the clerk of the licensing justices was substituted for the clerk of the licensing board.

(4.) Any notice which is by this Act required to be posted at the office of the licensing board shall, for the purpose of the first election, be posted in such conspicuous and central place in the licensing district as the clerk to the licensing justices may think fit; and where anything is by this Act required to be done at or in the office of the licensing board, that thing may be done at the first election at or in such place in the district as may be fixed by the Local Government Board.

(5.) The expenses of the first election, including such reasonable remuneration to the clerk of the licensing justices as may be approved by the Local Government Board, shall be paid by the licensing board as expenses under this Act.

Powers of Local Government Board with reference to first elections and polls.

42.—(1.) If at the first election of licensing boards under this Act, or if at any poll to be taken under this Act with reference to a local veto, any difficulty arises with reference to that election or poll, or with reference to the first meeting of a licensing board, or if any difficulty arises with reference to the first appointment of ex-officio members, the Local Government Board may by order do any matter or thing which appears to them necessary for the proper holding of the election, poll, or first meeting, or for the first appointment of ex-officio members.

(2.) The Local Government Board may by any such order, if it appears necessary, direct a new election or poll or a new appointment to be held, and fix the date of that election, poll, or appointment; they may also by any such order, for the purposes of this section, modify any of the provisions of this Act with reference to the election of licensing boards, or the holding of a poll, or the first meeting of a licensing board, or the first appointment of ex-officio members.

Parish situate partly in one licensing district, partly in another.

43. Where a parish is situate partly in one licensing district, partly in another, each part of that parish shall for the purposes of all the provisions of this Act, with the exception of those relating to local veto, be considered a separate parish, and the overseers of the whole parish shall, for the purposes of this Act, be considered to be the overseers of each part of the parish which is under this section so considered a separate parish.

Computation of time.

44. In the computation of time for any purpose under this Act, Sundays, Christmas Day, Good Friday, and Bank Holidays shall not be counted, and if any act or proceeding falls to be done on one of those days it shall be done on the day after.

Combination of districts.

45. The Local Government Board before the date fixed by them for the first election of licensing boards may combine any districts for the purposes of this Act in such manner as they think fit.

Application of Act in London.

46.—(1.) This Act shall apply to the administrative county of London, subject to the provisions of this section.

(2.) The licensing districts in the administrative county of London shall be the electoral divisions of that county as fixed under the Local Government Act, 1888.

(3.) The area for taking a poll in relation to the local veto under this Act shall also, in the administrative county of London, be an electoral division of that county as fixed under the said Act, and the poll shall be taken and the same provision shall apply as nearly as may be as in the case of a contested election of a county councillor, with the substitution of the ballot paper set out in the Second Schedule to this Act for the voting paper used at an election of a councillor.

(4.) The ex-officio members of the licensing board shall be appointed, in the case of a licensing district situate in the county of London by the court of quarter sessions, and in the case of a licensing district situate in the city of London by the court of the mayor and aldermen in the inner chamber.

Definitions.

47. Unless the context otherwise requires,—

The expression "licence" means a licence granted under this Act, or where reference is made to a licence granted before the commencement of this Act means a licence as defined by the Licensing Act, 1872:

The expression "new licence" means a licence granted at a general annual licensing meeting in respect of premises for which a similar licence has not theretofore been granted:

The expression "renewal of a licence" refers to the grant of a licence at a general annual licensing meeting by way of renewal:

The expression "licensed premises" means premises in respect of which a licence has been granted and is in force:

The expression "licensing district" means the area for which a general annual licensing is held in pursuance of the Intoxicating Liquor Licensing Act, 1828, or where that expres-

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sion is used with reference to a licensing board established under this Act for a combination of districts, the area formed by the combined districts:

The expression "licensing justices" means such justices as before the passing of this Act had jurisdiction in respect of the grant of new licenses in a licensing district under the Intoxicating Liquor Licensing Act, 1828, and the Licensing Acts, 1872 to 1874, and the Acts amending any of those Acts:

The expression "the clerk of the licensing justices" has the same meaning as in the Licensing Act, 1872.

The expression "ratepayer" includes every person who under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated.

Commencement of Act.

48.—(1.) This Act shall come into operation in every licensing district on the election of a licensing board for that district, and that date is in this Act referred to as the commencement of this Act.

(2.) Any power may be exercised or any duty performed under this Act before the commencement of this Act so far as may be necessary to hold elections of licensing boards or otherwise to bring this Act into operation.

Extent of Act and saving.

49.—(1.) This Act shall not extend to Ireland.

(2.) Nothing in this Act shall affect the privileges, or apply to the sales and other matters mentioned in section seventy-two of the Licensing Act, 1872.

Short title.

50. This Act may be cited as the Licensing Act, 1894.

SCHEDULES.

A.D. 1894.

SCHEDULE I.

Part I.

Licences to which an on-license corresponds:—

(i.) A licence to sell intoxicating liquor under the Intoxicating Liquor Act, 1828;

(ii.) A licence or certificate in pursuance of the Wine and Beerhouse Act 1869—

To sell beer and cider on the premises;

To sell cider on the premises;

To sell wine on the premises.

(iii.) A licence to sell sweets on the premises in pursuance of the Licensing Act, 1872.

Part II.

Licences to which an off-licence corresponds:—

(i.) A licence or certificate in pursuance of the Wine and Beerhouse Act, 1869—

To sell beer and cider off the premises;

To sell cider off the premises;

To sell wine off the premises;

To sell table-beer off the premises;

In the case of strong beer dealers, to sell beer by retail off the premises;

(ii.) A licence to sell sweets off the premises in pursuance of the Licensing Act, 1872;

(iii.) Licences for the sale of liqueurs or spirits off the premises by wholesale spirit dealers in pursuance of the Licensing Act, 1872.

SCHEDULE II.

Rules for taking of Poll.

1. The persons entitled to vote at a poll shall be—

(*a.*) In the case of boroughs not divided into wards, the persons enrolled on the burgess roll;

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(*b.*) In the case of the ward of a borough, the persons enrolled on the ward roll;

(*c.*) In the case of a parish situate outside the borough, the persons who are registered on the Local Government Register in respect of property situate in that parish.

2. The mayor or overseers shall act as returning officers at any such poll, and shall, not later than ten days after they have received the requisition, fix a day for the poll.

3. The day for the poll shall be some day not sooner than twenty days and not later than thirty days after the mayor or overseers have received the requisition.

4. Notice of the poll shall be given by the mayor or overseers by causing a printed notice of the time and place thereof to be posted in conspicuous places in the borough, ward, or parish for which the poll is to be taken, and also by advertising the same in two or more local papers circulating in that borough, ward, or parish, as the case may be.

5. The mayor or overseers shall make arrangements as nearly as may be in accordance with the Acts for the time being in force for the taking of votes at parliamentary elections, substituting for the form of voting paper used at parliamentary elections the following form:—

FORM OF BALLOT PAPER.

No. of Counterfoil [corresponding with the number on the back of the ballot paper].	Against Veto	
	For Veto	

6. The mayor or overseers shall cause the following directions to be posted in conspicuous characters outside every polling station, and in every compartment of every polling station:—

(i.) The voter, having obtained from the presiding officer a voting paper, shall go into one of the compartments, and with the pencil provided in the compartment shall make a × in the space opposite the words "Against Veto" if he is in favour of the granting and renewing of on-licenses and off-licenses, and in the space opposite the words "For Veto" if he wishes to prohibit the granting and renewing of on-licenses and off-licenses;

(ii.) The voter shall then fold up the paper so as to show the official mark on the back to the presiding officer, and having one so shall in the presence of the presiding officer put the paper into the ballot-box and leave the station. If the voter inadvertently spoils the voting paper he

can return it to the presiding officer, who, on being satisfied as to such inadvertence, will give him another paper.

7. The returning officer shall, not later than the day after the poll has been taken, declare the result of the poll.

8. If the resolution is adopted, or having been adopted is rescinded, the returning officer shall give notice to any licensing board in whose district any part of the borough, ward, or parish is situate, and to the Local Government Board.

SCHEDULE III.

Rules as to Meetings and Proceedings.

1. Every licensing board shall from time to time make regulations with respect to the summoning notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

2. No business shall be transacted at any such meeting unless at least one-third of the full number of members be present thereat, subject to this qualification, that in no case shall a larger quorum than seven members be required.

3. Every licensing board shall at their first meeting, and from time to time as required, appoint one of their number to be chairman at all meetings at which he is present; the term of office of the chairman shall be one year, or till the next triennial election of a board, whichever is the shortest period; an outgoing chairman is re-eligible for election.

4. If the chairman so appointed dies, resigns, or becomes incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

5. If the chairman is absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat.

6. The names of the members present, as well as of those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

7. Subject to the provisions of this Act every question at a meeting shall be decided by a majority of votes of the members present and voting on that question.

8. In case of an equal division of votes the chairman shall have a second or casting vote.

9. The first meeting of a licensing board elected next after the passing of this Act, and the first meeting of the board after every triennial election, shall

A.D. 1894.

be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may, by written notice to each member of the board, appoint. The first business of such first meeting shall be the election of the chairman of the board.

SCHEDULE IV.

RULES AS TO NOMINATION OF CANDIDATES.

1. Every candidate for the office of member of a licensing board must be nominated in writing.

2. The writing must be subscribed by two electors, as proposer and seconder, and by eight other electors, as assenting to the nomination.

3. Each candidate must be nominated by a separate nomination paper, but the same electors, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.

4. Each person nominated must be qualified to be elected as a member of the licensing board.

5. The nomination paper must state the surname and other names of the candidate, with his abode and description.

6. The clerk of the licensing board shall provide nomination papers, and shall supply any elector with as many nomination papers as may be required, and shall, at the request of any elector, fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder, at the office of the licensing board, seven days at least before the day of election, and before five o'clock in the afternoon of the last day for delivery of nomination papers.

8. The clerk of the licensing board shall forthwith send notice of every such nomination to each candidate.

9. The returning officer shall attend at the office of the licensing board on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper.

10. Where a person subscribes more nomination papers than one for the same candidate, his subscription shall be inoperative in all but the one which is first delivered.

11. Each candidate may, by writing signed by him, or, if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this schedule referred to as the candidate's representative) to attend the proceedings before the returning officer on behalf of the candidate, and this appointment must be delivered to the clerk of the licensing board before five o'clock in the afternoon of the last day for delivery of nomination papers.

12. Each candidate and his representative, but no other person, except for the purpose of assisting the returning officer, shall be entitled to attend the proceedings before the returning officer.

A.D. 1894.

13. Each candidate and his representative may, during the time appointed for the attendance of the returning officer for the purposes of this schedule, object to the nomination paper of any other candidate.

14. The decision of the returning officer shall be given in writing, and shall, if disallowing an objection, be final, but, if allowing an objection, shall be subject to reversal on petition questioning the election or return.

15. The clerk of the licensing board shall at least four days before the day of election cause the surnames and other names of all persons validly nominated with their respective abodes and descriptions, and the names of the persons subscribing their nomination papers as proposers and seconders, to be printed, and fixed on the office of the licensing board, and in some conspicuous place in every parish situate in the licensing district.

16. The nomination of a person absent from the United Kingdom shall be void unless his written consent, given within one month before the day of his nomination in the presence of two witnesses, is produced at the time of his nomination.

17. Where the number of valid nominations exceeds that of the vacancies, any candidate may withdraw from his candidature by notice signed by him, and delivered at the office of the licensing board not later than two o'clock in the afternoon of the day next after the last day for delivery of nomination papers: Provided that such notices shall take effect in the order in which they are delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of vacancies.

18. In and for the purpose of the provisions of this Act relating to proceedings preliminary to election, the Local Government Register which will be in force on the day of election shall be deemed to be the Local Government Register, and a person whose name is inserted in one of the lists from which the Local Government Register will be made up shall be deemed to be enrolled or registered in that register although the Local Government Register is not yet completed.

Sale of Intoxicating Liquors.

A

B I L L

To amend the Law relating to the Sale of Intoxicating Liquors.

(*Prepared and brought in by Mr. Courtney, Mr. Bolitho, Sir Thomas Lea, Sir Mark Stewart, Mr. Brynmor Jones, Colonel Bridgeman, and Mr. Alexander Cross.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1894.

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[*Price 3d.*]

[Bill 119.]

Sale of Intoxicating Liquors (Ireland) Bill.

MEMORANDUM.

This Bill is the same as passed by the Select Committee in the session of 1888, and reported to the House.

A

B I L L

TO

Amend the Law relating to the Sale of Intoxicating Liquors in Ireland on Saturday and Sunday, and for other purposes connected therewith. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance and extension of 41 & 42 Vict. c. 72.

1. The Sale of Liquors on Sunday (Ireland) Act, 1878, as amended by this Act, shall continue in force until Parliament otherwise enacts, and the provisions of the said Act in regard to closing on the whole of Lundays are hereby extended to the metropolitan police district of Dublin metropolis, and to the cities of Belfast, Cork, Limerick, and Waterford.

Closing hours on Saturday.

2. It shall not be lawful for any person to sell or expose for sale intoxicating liquor, or to open or keep open any premises for the sale of the same, on Saturdays after *nine o'clock* at night; and the provisions of every Act (in regard to penalties and otherwise) relating to selling or exposing for sale, or purchasing, intoxicating liquor, or opening or keeping open any premises for the sale of intoxicating liquor, or being present in or upon any such premises at any hour, shall be amended in this particular, and shall apply as if the hour of *nine o'clock* were specified therein as the hour at which licensed premises are required to be closed on Saturdays. Where any business, other than the sale of intoxicating liquors, is carried on in the licensed premises the whole of such premises shall be closed at the hour aforesaid, unless the portion of the same in which such sale of intoxicating liquors is carried on is structurally separated from the remainder of the building.

Exemptions. Bonâ fide travellers.

3. Nothing in this Act shall be construed to apply to sales of intoxicating liquor to lodgers, or to sale of intoxicating liquor in

A.D. 1894.

packet boats, or in canteens in pursuance of the Acts regulating the same, or shall preclude the sale at any time at a railway station of intoxicating liquor on arrival or departure of trains, or to bonâ fide travellers.

For the purposes of this Act and the other Acts relating to the sale of intoxicating liquors, a person shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least six miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

Short title and commencement.

4. This Act may be cited as the Intoxicating Liquors (Ireland) Act, 1894. This Act shall commence and come into operation on the *tenth day of October one thousand eight hundred and ninety-four.*

Sale of Intoxicating Liquors (Ireland).

A

B I L L

To amend the Law relating to the Sale of Intoxicating Liquors in Ireland on Saturday and Sunday, and for other purposes connected therewith.

(*Prepared and brought in by*
Sir Thomas Lea, Mr. Maurice Healy,
Mr. Johnston, Mr. Jordan, Colonel Saunderson,
Mr. J. F. X. O'Brien, Mr. T. W. Russell,
Mr. Pinkerton, Mr. O'Neill, Mr. Diamond,
Mr. Arnold Forster, Mr. Webb,
Mr. William Kenny, and Mr. Kennedy.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 83.]

Sale of Intoxicating Liquors on Sunday Bill.

MEMORANDUM.

It is proposed by the Bill to prohibit the sale of intoxicating liquors by retail in England during the whole of Sunday, except in the case of lodgers, and bonâ fide travellers as defined by the Licensing Acts, 1872–1874.

A

B I L L

TO

Prohibit the Sale of Intoxicating Liquors on Sunday A.D. 1894.

WHEREAS the provisions in force against the sale of intoxicating liquors during certain hours of the Sunday have been found to be attended with great public benefits, and it is expedient to extend such provisions to the other hours of Sunday :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Closing of premises for sale of intoxicating liquors on Sunday.

1. After the *tenth day of October, one thousand eight hundred and ninety-four*, all premises in which intoxicating liquors are sold or exposed for sale by retail shall be closed during the whole of Sunday, subject to the provisions (except as to the hours of closing on that day) of the Licensing Acts, 1872–1874.

Extent of Act.

2. This Act shall not apply to Scotland, Ireland, or the Principality of Wales.

Short title.

3. This Act may be cited for all purposes as the Sunday Closing Act, 1894.

Sale of Intoxicating Liquors on Sunday.

A

B I L L

To prohibit the Sale of Intoxicating Liquors on Sunday.

(Prepared and brought in by Mr. James Stevenson, Mr. Perks, Mr. C. H. Wilson, Mr. Cozens-Hardy, Mr. John Wilson (Durham), Mr. Snape, and Mr. Woods.)

Ordered, by The House of Commons, *to be Printed,* 24 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 186.]

A

B I L L

TO

Amend the Salmon Fisheries (Ireland) Acts.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Salmon Fishery (Ireland) Act, 1894.

Application of Act.

2. This Act shall not apply to England or Scotland.

Repeal.

3. The thirtieth section of the Salmon Fishery (Ireland) Act, 1863, and the fourth section of the Salmon Fishery (Ireland) Act, 1869, shall be and are hereby repealed.

Gratings in watercourses of mills, &c. not worked by turbines.

4. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, at the points of divergence from and return to such river, gratings having iron bars placed vertically not more than two inches apart, so as to effectually prevent the passage of salmon into such watercourses or other channels.

And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings as aforesaid shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and a further penalty not exceeding *five pounds* for each day during which such gratings shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction.

[Bill 217.]

A.D. 1894.

Power of exemption by inspectors.

5. It shall be lawful for the Inspectors of Irish Fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that such order is necessary for the effective working of the machinery of such mill or other premises, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section four of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine.

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts.

Gratings in watercourses of mills, &c. worked by turbines.

6. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises the machinery of which is worked by means of a turbine or similar hydraulic machine, there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, during the descent of salmon and of the young of salmon to the sea, gratings or other devices or constructions of a form and dimensions to be approved of by the inspectors of fisheries so as to effectually prevent the passage of salmon and of the young of salmon into the machinery of such mill or other premises.

And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings or other devices or constructions as aforesaid, shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and also a further penalty not exceeding *five pounds* for each day during which such gratings or other devices or constructions as aforesaid shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction.

Power of exemption by inspectors.

7. It shall be lawful for the said inspectors of fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that no injury is likely to be thereby occasioned to salmon and the young of salmon, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section six of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine.

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts.

A.D. 1894.

Appeal by any person aggrieved by the decision of the inspectors of fisheries.

8. If any person shall think himself aggrieved by the decision of the said inspectors in either granting or refusing any exemption under this Act as aforesaid, then such person may appeal to the next going judges at the assizes to be held for the county or county of the city or town in which such mill or other premises is or are situated. Provided such assizes shall be held at any time not less than *thirty-one days* after the time the said inspectors shall have made any such decision. And in case such assizes shall be held within thirty-one days from the time of such decision such appeal shall be made to the assizes to be held in and for such county or county of a city or town next after such first assizes.

Provided that no appeal shall be heard and determined unless the person so appealing shall within *ten days* from the date of such decision give notice in writing to the said inspectors, to the clerk of the crown and peace for such county or county of a city or town, and to the clerk of the board of conservators of the salmon fisheries district within which such mill or other premises is or are situated, and to the owner or occupier of such mill or other premises (where such owner or occupier is not the appellant) of his intention to prosecute such appeal.

And the said judges at such assizes, or any adjournment thereof, upon proof of such notice having been given, are hereby empowered and required to hear and determine the matter of such appeal, and to confirm, reverse, vary, or alter the said decision of the said inspectors, and to award such costs and expenses of witnesses as they may think reasonable.

Board may place gratings at mouths of streams.

9. A board of conservators, with the consent of the inspectors of fisheries, may adopt such means as they shall approve for preventing the ingress of salmon into streams in which they or their spawning beds are from the nature of the channel liable to be destroyed, but so that no water rights used or enjoyed for the purposes of manufacture, or agricultural purposes, or drainage, or navigation, shall be prejudicially interfered with thereby.

Incorporation of Acts.

10. The Acts enumerated in the schedule to this Act annexed shall be incorporated with this Act and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto.

A.D. 1894.

SCHEDULE.

5 & 6 Vict. c. 106.	29 & 30 Vict. c. 88.
7 & 8 Vict. c. 108.	29 & 30 Vict. c. 97.
8 & 9 Vict. c. 108.	32 Vict. c. 9.
11 & 12 Vict. c. 92.	32 & 33 Vict. c. 92.
13 & 14 Vict. c. 88.	54 & 55 Vict. c. 20.
26 & 27 Vict c. 114.	

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Salmon Fisheries (Ireland).

A

B I L L

To amend the Salmon Fisheries (Ireland) Acts.

(Prepared and brought in by Mr. Seton-Karr, Mr. Tomlinson, Mr. Dane, and Colonel Nolan.)

Ordered, by The House of Commons, *to be Printed,* 3 *May* 1894.

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[*Price* ½*d.*]

[Bill 217.]

Savings Banks (Societies) Bill.

MEMORANDUM.

The object of this Bill is to define more exactly the privileges of deposit in savings banks possessed by societies connected with the working classes.

There is a large class of societies with respect to which it is enacted by the Savings Banks Acts that they may deposit up to 100*l.* in the year and 300*l.* in the whole, or, with the approval of the National Debt Commissioners, without limit.

These societies are described by the Savings Bank Acts as "charitable or provident institutions or societies," and upon the interpretation of these words there have been differences of opinion from time to time between the saving bank authorities and the National Debt Commissioners, and anomalies have thus arisen.

The Bill will obviate these inconsistencies of practice by defining more distinctly to what class of societies and funds special privileges of deposit may be allowed.

No unregistered societies (except penny savings banks) will be permitted to deposit without limit. Unregistered societies connected with the working classes or the poor will be allowed to deposit up to 300*l.*; and any questions in relation to such societies will be determined by the Registrar of Friendly Societies.

The privileges of deposit by registered friendly societies and industrial and provident societies will not be affected by the Bill.

Savings Banks (Societies) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Deposits by trade unions and penny banks.
2. Deposits by building societies and on behalf of charitable societies and funds.
3. Saving for existing accounts.
4. Notification of accounts opened on behalf of charitable societies and funds.
5. Settlement of questions as to deposits.
6. Suspension of interest on failure to make returns.
7. Interpretation.
8. Repeal.
9. Extent of Act.
10. Short titles.

SCHEDULE.

[Bill 233.] A 2

A

B I L L

TO

Amend the Law relating to deposits in Savings Banks by charitable and other societies. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Deposits by trade unions and penny banks. 34 & 35 Vict. c. 31. 39 & 40 Vict. c. 22. 56 & 57 Vict. c. 2.

1.—(1.) Any trade union registered under the Trade Union Acts, 1871 and 1876, and any branch of any such trade union, may deposit in a savings bank, without restriction as to maximum amount, any funds of the union or branch which are applicable and applied solely for the purpose of provident benefits, as defined by the Trade Union (Provident Funds) Act, 1893.

(2.) The trustees or treasurer of any penny savings bank holding not more than five pounds on behalf of any one depositor at any one time, may deposit its funds in a savings bank without restriction as to maximum amount.

Deposits by building societies and on behalf of charitable societies and funds.

2.—(1.) Any building society incorporated under the Building Societies Acts, and the trustees or treasurer of any charitable society or fund as defined by this Act, may at any time, with the consent of the savings bank authority—

(*a*) deposit in a savings bank any money belonging to the society or fund, provided that the whole amount, exclusive of Government stock, credited by the bank to the society or fund does not exceed *three hundred pounds* at any one time; and

(*b*) invest in Government stock, through a savings bank, any money of the society or fund, provided that the whole amount of Government stock credited by the bank to the society or fund does not exceed *five hundred pounds* stock at any one time.

(2.) Whenever by reason of interest or dividends credited to any such society or fund in respect of money or stock standing to the

A.D. 1894.

credit of the society or fund in a savings bank, or by reason of any sum transferred from the account of a deceased depositor, the sum standing in the name of the society or fund exceeds *three hundred pounds*, interest shall not be allowed on any sum in excess of three hundred pounds, but all sums in excess of that amount shall, unless the depositor otherwise directs, be invested by the savings bank authority in Government stock, and that stock shall, notwithstanding any limitations imposed by this or any other Act, be credited to the society or fund.

43 & 44 Vict. c. 36.

(3.) Regulations under the Savings Banks Act, 1880, may provide for all matters incidental to investments made in pursuance of this section, otherwise than at the request of the depositor.

Saving for existing accounts.

3. Where at the passing of this Act any money or stock is, under any enactment repealed by this Act, credited in any savings bank to the account of any society or body, nothing in this Act shall prevent the savings bank authority from receiving deposits to the credit of that account so long as the limits of deposit applicable to the account before the passing of this Act are not exceeded.

Notification of accounts opened on behalf of charitable societies and funds.

4. Every savings bank authority shall as soon as may be after the expiration of every savings bank year make a return to the registrar of all accounts which have during that year been opened by or on behalf of societies or funds purporting to be charitable societies or funds, as defined by this Act.

Settlement of questions as to deposits.

5.—(1.) If it appears to the registrar that there is any doubt as to whether any funds deposited in a savings bank by a trade union or a branch of a trade union are applicable and applied solely for the purpose of provident benefits, or as to whether any account opened in a savings bank on behalf of a society or fund purporting to be a charitable society or fund as defined by this Act, is authorised by the provisions of this Act, the question may, after notice to the savings bank authority and the depositor, be settled by the registrar in like manner as a dispute between a savings bank authority and a depositor in a savings bank may be settled, and the registrar may give such decision upon the question as he deems right.

(2.) If the registrar in any such case decides that the said funds are not applicable and applied solely for the purpose of provident benefits, or that the said account is not authorised by the provisions of this Act, he shall give notice of his decision to the savings bank authority, and the savings bank authority shall require the depositor to withdraw all deposits (including the proceeds of Government stock) standing to the credit of that account, and shall sell all

Government stock standing to the credit of that account, and the proceeds of the sale and all other deposits standing to the credit of that account shall cease to bear interest as from the date of the registrar's decision.

Suspension of interest on failure to make returns.

6. If at any time a registered trade union or a building society fail to make to the registrar the annual return required by law, or having made a return which, in the opinion of the registrar, is insufficient or incorrect, fail after notice from the registrar to complete or correct the same, the registrar may, if he thinks fit, give notice thereof to the savings bank authority of any savings bank in which the union or any branch thereof, or the society have made deposits, and the savings bank authority shall receive no further deposits from the union or branch or society, and the deposits then standing to the credit of the union or branch or society shall not carry interest until further notice from the registrar.

Interpretation.

7. In this Act—

The expression "charitable society" shall mean charitable or provident institution or society supported by the contributions or established for the benefit of working men or persons in poor circumstances, but not registered by the registrar.

The expression "charitable fund" shall mean a fund exclusively or mainly for the maintenance, education, or benefit of the poor.

The expression "Registrar" shall mean the Registrar of Friendly Societies as defined by the Friendly Societies Act, 1875.

38 & 39 Vict. c. 60.

Other expressions have the same meaning as in the Savings Bank Act, 1893.

56 & 57 Vict. c. 69.

Repeal.

8. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Extent of Act.

9. This Act shall extend to the Channel Islands and to the Isle of Man, and the Royal Courts of the Channel Islands shall register the same accordingly.

Short titles.

10.—(1.) This Act may be cited as the Savings Banks (Societies) Act, 1894.

(2.) The Trustee Savings Banks Acts, 1863 to 1893, and this Act may be cited collectively as the Trustee Savings Bank Acts, 1863 to 1894.

(3.) The Post Office Savings Bank Acts, 1861 to 1893, and this Act may be cited collectively as the Post Office Savings Bank Acts, 1861 to 1894.

A.D. 1894.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
9 Geo. 4. c. 92. -	The Savings Bank Act, 1828.	Sections twenty-seven and thirty.
22 & 23 Vict. c. 53. -	The Savings Bank (Charitable Societies) Act, 1859.	The whole Act.
26 & 27 Vict. c. 87. -	The Trustee Savings Banks Act, 1863.	Sections thirty-two, thirty-four, and thirty-five.

Savings Banks (Societies).

A

B I L L

To amend the Law relating to deposits in Savings Banks by charitable and other societies.

(Prepared and brought in by Mr. Arnold Morley, Mr. Chancellor of the Exchequer, and Sir John Hibbert.)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1894.

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[*Price* 1*d.*]

[Bill 233.]

A

B I L L

FOR

The better Regulation of Sea Fisheries in Scotland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Sea Fisheries Regulation (Scotland) Act, 1894, and shall be read along with the Sea Fisheries Acts.

Application of Act.

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland.

Definition. 31 & 32 Vict. c. 45. 38 Vict. c. 15. 40 & 47 Vict. c. 22. 48 & 49 Vict. c. 70. 52 & 53 Vict. c. 23. 53 & 54 Vict. c. 10.

3. In this Act "Sea Fisheries Acts" shall mean the Sea Fisheries Act, 1868, the Sea Fisheries Act, 1875, the Sea Fisheries Act, 1883, the Sea Fisheries (Scotland) Amendment Act, 1885, the Herring Fishery (Scotland) Act, 1889, and the Herring Fishery (Scotland) Act Amendment Act, 1890.

Constitution of Fishery Board.

4. The Fishery Board for Scotland established by the Fishery Board (Scotland) Act, 1882, shall be reconstituted in manner following (that is to say):—

(1.) The Board shall consist of the following members, viz.:

(*a.*) Three members, of whom one shall be the chairman of the Board, a second shall be the sheriff of a county in Scotland, and the third shall be a person of skill in the branches of science concerned with the habits and food of fishes, to be appointed by Her Majesty from time to time at any time after the *passing of this Act* on the recommendation of the Secretary for Scotland, and to hold office for *five years*, unless they shall sooner die or resign office;

(*b.*) Certain other members to be nominated as herein-after provided, and to hold office for *one year*, unless they shall sooner die or resign office:

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Provided that nothing in this Act shall affect the provisions of section four, sub-section (2), of the Fishery Board (Scotland) Act, 1882.

(2.) The first meeting of the reconstituted Board shall take place on such day as shall be determined by the Secretary for Scotland, on and after which date the present members of the Board (other than the Chairman) shall cease to hold office and be discharged of their duties.

Establishment of fishery districts.

5. The Secretary for Scotland shall proceed as soon as may be after the *passing of this Act*, by order or orders, to establish fishery districts in Scotland in such number and of such extent as shall appear advisable, but including therein only such parishes as contain among their inhabitants persons directly interested in sea-fisheries otherwise than as consumers or retail dealers.

Every proposed order before being made shall be published in such manner as to make it known to all persons interested, and the Secretary for Scotland shall consider all objections and representations respecting such order, and shall thereafter make the order and cause it to be forthwith published in the "Edinburgh Gazette."

The Secretary for Scotland may from time to time by subsequent order vary any order made under this section, and unite one or more districts or parts of districts into a separate district, or dissolve or diminish any district that may have been formed.

Every order made under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of the order ought not to be in force the same shall not have any force, without prejudice nevertheless to the making of any other order in its place. Subject to any such resolution, every order so made shall come into force at the expiration of the thirty days aforesaid.

Establishment of local fishery committees.

6.—(1.) In each fishery district there shall be a local fishery committee, composed of such number of persons representing the parishes within the fishery district as shall be fixed by the order creating the district. Each parish or part of a parish shall return such number of representatives either by itself or in combination with such other parish or parishes or parts thereof as shall be specified in the order; provided that each electoral division so specified in the order shall be coterminous with one or more of the electoral divisions into which the county or burgh (as the case may be) may be divided for the purpose of electing county councillors or town councillors.

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(2.) A local fishery committee shall from time to time elect a chairman, who shall hold office for such period as shall be fixed at the time of his election. The chairman shall have a casting vote as well as a deliberative vote.

(3.) The order creating a fishery district shall make provision in regard to the time and place of meeting of the local fishery committee and the appointment, tenure, and dismissal of its clerk and any other necessary officers. The remuneration of such clerk and other officers shall be fixed from time to time by the Fishery Board, *who shall pay such remuneration, and also the office and other expenses incurred by the committee,* as the same shall be certified by the county auditor or by such one of the county auditors acting within the district as may be selected by the Fishery Board.

Provisions for first election.

7. The first election of members of a local fishery committee shall take place at such time after the order creating the fishery district shall have been made as may be appointed by the Secretary for Scotland, and the following provisions shall have effect in regard thereto—

(1.) At the first election of members for a landward parish or for the landward part of a parish partly landward and partly burghal, the returning officer shall be appointed by the county council, and the provisions of section eight (excepting the provision of sub-section three as to term of office) shall apply thereto, subject to such regulations as may be made by any order of the Secretary for Scotland, and such regulations shall have effect as if they were contained in this Act.

(2.) At the first election of members for a burghal parish or for the burghal part of a parish partly landward and partly burghal, the provisions of section nine (excepting the provision of sub-section three as to term of office) shall apply thereto.

Regulations as to election of members of local fishery committee in landward parish, &c.

8. With respect to the second and subsequent elections of members of a local fishery committee for a landward parish or for the landward part of a parish partly landward and partly burghal, the following provisions shall have effect :—

(1.) The election of such members shall take place in every *third* year, beginning with the year *one thousand eight hundred and ninety-five*, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of county councillors for the county in which such parish or part

A.D. 1894.

of a parish, as the case may be, is situated, or if there is a contested election for the local fishery committee, but no contested election for county councillors in the county council, electoral division, or divisions corresponding to such parish or part of a parish, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions.

(2.) The expenditure incurred in the election of such members shall be defrayed as if it were expenditure incurred in the election of county councillors.

(3.) From and after such second election, the term of office of such members shall be *three years*, and in every *third* year the whole number of such members of the local fishery committee shall go out of office, and their places shall be filled by election, and in the event of vacancies occurring through death, resignation, or disqualification, they shall be filled up by the local fishery committee.

(4.) The enactments regulating the election of county councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such members.

(5.) If in any case such parish or part of a parish is situated in more counties than one, the provisions of this section shall apply with the necessary variations and subject to such regulations as may be made by order of the Secretary for Scotland, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the county council of every county to make due provision for the election of such members of the local fishery committee as represent areas within the county.

(7.) A county council may refer to the Secretary for Scotland any question that may arise as to the performance of the duty of such county council under this section, and his determination as signified by order thereon shall be final.

Regulations as to election of members in burghal parish, &c.

9. With respect to the second and subsequent elections of members of a local fishery committee for a burghal parish or for the burghal part of a parish partly landward and partly burghal, the following provisions shall have effect:—

(1.) The election of such members shall take place in every *third* year, beginning with the year *one thousand eight hundred and ninety-five*, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same

returning and presiding officers and clerks, as the election of town councillors for such burgh, or if there is a contested election for the local fishery committee, but no contested election for town councillors in such burgh or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors in such burgh or in a ward or wards thereof.

(2.) The expenditure incurred in the election of such members, as ascertained and apportioned by order of the Secretary for Scotland, shall be a charge upon the poor rate levied in such burghal parish or part of a parish respectively, and shall be paid to the town council by the parochial board of such parish.

(3.) From and after such second election the term of office of such members shall be *three years*, and in every *third* year the whole number of such members shall go out of office, and their places shall be filled by election; and in the event of vacancies occurring through death, resignation, or disqualification, they shall be filled up by the local fishery committee.

(4.) The enactments regulating the election of town councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such members.

(5.) If in any case the burghal part of a parish is situated in more burghs than one, the provisions of this section shall apply with the necessary variations and subject to such regulations as may be made by any order of the Secretary for Scotland, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the town council of every burgh to make due provision for the election of such members of the local fishery committee.

(7.) A town council may refer to the Secretary for Scotland any question that may arise as to the performance of the duty of such town council under this section, and his determination as signified by order thereon shall be final.

Duties of local committees.

10. Every local fishery committee shall have the charge and supervision of the sea fishery interests of the district, and shall collect statistics relating to the sea fisheries within the district, and make an annual report to the Fishery Board, *who shall defray the expenses*

A.D.1894.

incurred by the committee in discharging their duty under this section as the same may be certified by the county auditor above referred to.

Representation of local committees on Fishery Board.

11. Every local fishery committee shall nominate each year one of their number, who shall be a member of the Fishery Board for that year, and who shall have all the powers and perform all the duties pertaining to such membership, and any vacancy on the Fishery Board caused by death, resignation, non-acceptance of office, or disqualification of a member so nominated, shall be filled up by the local fishery committee which nominated him, provided that the person nominated to fill such vacancy shall be, at the time of his nomination, a member of the committee, and that he shall remain in office so long only as the person in whose room he was appointed would have remained in office.

Byelaws for regulation of sea fisheries.

12.—(1.) The Fishery Board may from time to time make byelaws for all or any of the following purposes, namely,—

(*a.*) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, and dimensions of any instrument of fishing for sea fish;

(*b.*) For constituting any district of oyster cultivation for the purposes of section four of the Fisheries (Oyster, Crab, and Lobster) Act, 1877;

40 & 41 Vict. c. 42.

(*c.*) For directing that the proviso to section eight of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, which permits edible crabs in certain conditions or under a certain size to be taken by or be in the possession of any person, if those crabs are intended for bait for fishing, shall not apply;

(*d.*) For repealing or amending any order made under section ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, or under the Fisheries (Oyster, Crab, and Lobster) Act (1877) Amendment Act, 1884;

47 & 48 Vict. c. 26.

(*e.*) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing; and

(*f.*) For repealing or amending any byelaw made in pursuance of this Act.

(2.) A byelaw made in pursuance of this Act may provide for its application either to the whole or any specified part or parts of

the district or districts for which it is made, and either during the whole or any specified part or parts of the year. A.D. 1894.

Penalties for breach of byelaws.

13. The Fishery Board may, by their byelaws, impose as penalties for the breach of any byelaws fines not exceeding for any one offence the sum of *twenty pounds*, and in the case of a continuing offence the additional sum of *ten pounds* for every day during which the offence continues, and in any case forfeiture of any fishing instrument used or sea fish taken in contravention of, or found in the possession of a person contravening, any byelaw; and any such penalties may be recovered and enforced on summary conviction.

Procedure in making and confirming byelaws.

14. A byelaw made in pursuance of this Act shall not be of any validity until it has been confirmed by the Secretary for Scotland.

The Fishery Board, before making any byelaw, shall transmit a copy of the same to the committee of every fishery district to which the proposed byelaw shall apply, and to the committee of each adjoining fishery district, and shall take into consideration the objections, if any, of such committee.

The Secretary for Scotland, before confirming any such byelaw, shall transmit a copy of the same to the committee of every fishing district to which the byelaw shall apply, and to the committee of each adjoining fishery district, and shall take into consideration the objections, if any, of any such committee.

Applications to Fishery Board for byelaws, &c.

15. A local fishery committee may petition the Fishery Board to put in force their powers of making byelaws under this Act or any other Act, and may submit the draft of any byelaw which they desire should be made, and if they shall do so the Fishery Board shall take such draft into consideration if they determine to exercise their powers as aforesaid.

Extension of power of Fishery Board.

16. The Fishery Board shall have power to provide, by officers, vessels, and otherwise, for the efficient watching of such parts of the sea and sea coast as are within the scope of this Act, with a view to securing due observance of the bye laws in force for the time.

Mussel and Clam Fisheries.

Fishery Board to draw up a list of mussel and clam beds.

17. The Fishery Board shall, within *six months* after the passing of this Act, and after due notice and advertisement of their intention so to do, draw up a schedule of mussel or clam fisheries or beds or scalps as presently existing within the area defined by this Act, and

shall specify therein the situation and limits thereof and the names of the owners or reputed owners respectively.

The schedule shall be published and circulated in such manner as the Fishery Board shall think fit, and a copy shall be sent to each of the owners or reputed owners specified therein. The principal schedule shall be kept and retained in the office of the Fishery Board, and shall be revised or added to by the Fishery Board in accordance with the result of any proceedings under the following section of this Act.

Title to mussel and clam beds to be intimated to Commissioners of Woods and Forests.

18. Any person having or claiming to have a right or title to mussel or clam fisheries or mussel or clam beds or scalps in the sea adjoining Scotland shall, within a period of *two years* from the passing of this Act, lodge with the Commissioners of Woods and Forests a copy of or an extract from any charter, conveyance, lease, deed, or other document which instructs or is founded upon as instructing his right or title to the same, along with a chart or charts of the mussel or clam fisheries or beds or scalps so claimed.

In the event of the Commissioners of Woods and Forests intimating to a claimant under this section that the same mussel or clam fisheries or beds or scalps, or any part thereof comprised in his claim, are claimed as the property of Her Majesty; or in the event of the right or title of any owner or reputed owner to such mussel or clam fisheries or beds or scalps, or to any part thereof, not being instructed to their satisfaction, the Commissioners of Woods and Forests, if such owner or reputed owner insist, shall, within *twelve months* of such intimation, if so advised, take such competent legal proceedings as may be necessary to establish the right or title of Her Majesty to such mussel or clam fisheries or beds or scalps.

Acquisition of mussel and clam beds.

19. For the purposes of this Act, and with a view to the maintenance and regulation of mussel or clam fisheries or beds or scalps, and for the cultivation of mussels and clams generally, the Fishery Board shall, on the requisition of a local fishery committee, be entitled to acquire by purchase or take on lease any mussel or clam fisheries or beds or scalps, whether on the schedule hereinbefore provided for or not; and with respect to the purchase of such fisheries or beds or scalps, the provisions of the Lands Clauses Acts in regard to the taking of land are hereby incorporated with this Act: Provided that the Fishery Board shall not acquire any

such fishery or bed or scalp save at such price that, in the opinion of the Board, all expenses incurred by the Board in acquiring the subject and otherwise in relation thereto will be recouped out of the profits or rents to be drawn by the Board therefrom within a period of not more than *thirty years*.

Byelaws for regulation, &c. of mussel and clam beds.

20.—(1.) As soon as may be after the *passing of this Act*, and from time to time thereafter, the Fishery Board shall make byelaws for the establishment or improvement and for the maintenance and regulation of mussel and clam fisheries or beds or scalps and for the cultivation of mussels and generally for all or any of the following purposes, viz. :—

(*a.*) For restricting or prohibiting, either entirely or subject to such regulations or exemptions as the Fishery Board may think fit, the removal or taking of mussels or clams from the mussel or clam fisheries or beds or scalps established or acquired as aforesaid within the area covered by this Act.

(*b.*) For prohibiting the sale, removal, or taking of mussels or clams for the purposes of manure from any part of the sea adjoining Scotland and within the exclusive fishery limits of the British Islands.

(*c.*) For prohibiting the removal or taking of mussels or clams below a certain specified size from any part of the sea adjoining Scotland and within the exclusive fishery limits of the British Islands.

(*d.*) For letting on lease by the Fishery Board either for one year or for a period of years any mussel or clam fishery or bed or scalp either in whole or in part in any part of the sea adjoining Scotland to which the Board has a title, subject to such payment of rent and other stipulations and to such restrictions and exceptions as the Fishery Board shall direct.

(*e.*) For repealing or amending any byelaw made in pursuance of this section.

(2.) A byelaw made in pursuance of sub-section (1) of this section may provide for its application either to the whole or to any specified part or parts of the district or districts for which it is made, and either during the whole or any specified part or parts of the year.

Right to deposit, dredge, or take mussels and clams.

21. The Fishery Board or their tenants shall have within the limits of each fishery district the exclusive right of depositing, propagating, dredging, and taking mussels and clams, and in the exercise of that right may within the limits of the district make and

A.D. 1894.

maintain mussel or clam fisheries and beds or scalps, and collect and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery: Provided always that when the Fishery Board or their tenants hold any mussel or clam scalp or bed on lease, they shall in no case exceed the powers conferred upon them in their respective leases.

Right of Fishery Board, &c., to impose tolls and royalties.

22. The Fishery Board or their tenants may impose tolls or royalties upon persons dredging and taking mussels or clams to which a title has been acquired by the Fishery Board or their tenants respectively, and shall have power to carry into effect and enforce the restrictions and regulations which they are by this Act entitled to impose. All such restrictions, regulations, tolls, and royalties shall be imposed on and apply to all persons equally.

Any person who dredges or takes mussels or clams in contravention of any such restriction or regulation, or without paying any such toll or royalty, shall be liable on summary conviction to pay a penalty not exceeding *twenty pounds*, and to forfeit all mussels so taken, or a sum equal to the value thereof if they have been sold, which forfeiture may be enforced in the same manner as a penalty.

The court may direct such penalty or forfeiture to be delivered or paid to the Fishery Board or to their tenants, to be applied by them for the improvement and cultivation of the fishery district.

Application of Act to orders under 31 & 22 Vict. c. 45.

23. All orders made under the Sea Fisheries Act, 1868, before the commencement of this Act, but not confirmed, and all proceedings taken before the commencement of this Act with a view to obtain any such orders shall have effect and be proceeded with as if [they had been respectively made and taken under this Act].

Mode of recovering penalties.

24. All penalties, offences, and proceedings under this Act, or under any order made thereunder, may be prosecuted summarily under the Summary Jurisdiction Acts, and if any person feels aggrieved by any conviction under this Act he may appeal in the manner provided in those Acts.

Assistance from Fishery Board.

25. The Fishery Board shall give every assistance in carrying out the provisions of this Act, and where necessary shall employ their officers to facilitate its execution.

Saving clause.

26. Nothing in this Act contained shall in any way prejudicially affect the rights of the Crown or its grantees, nor (except as herein

provided expressly or by necessary implication) the rights of any corporation or person. A.D. 1894.

Definitions.

27. For the purposes of this Act—

The expression "sea fish" shall not include salmon as defined by any Act relating to salmon, but, save as aforesaid, shall mean fish of all kinds found in the sea, and shall also include lobsters, crabs, shrimps, prawns, oysters, mussels, cockles, and other kinds of crustaceans and shell fish.

The word "parish" means parish *quoad civilia*.

Sea Fisheries (Scotland).

A

B I L L

For the better Regulation of Sea Fisheries in Scotland.

(*Prepared and brought in by Mr. Anstruther, Mr. Cochrane, Mr. Crombie, Sir Herbert Maxwell, and Mr. Renshaw.*)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1894.

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[*Price* 1½*d.*]

[Bill 214.]

Sea Fisheries (Shell Fish) Bill.

MEMORANDUM.

The main object of this Bill is to give powers to Sea Fisheries Committees in various parts of the country to make byelaws regulating inter alia the capture of immature shell-fish and the taking of culch.

The necessity for the Bill has long been apparent to the Board of Trade, but has been immediately pressed on the notice of the Department by a quarrel in Essex, where a serious conflict has arisen between two bodies of fishermen interested in the public fishery at the mouth of the Blackwater with respect to the manner in which the fishery should be conducted, and especially with regard to the removal of culch.

In the interest of the maintenance of that and other like fisheries, it is desirable that regulations should be provided, and that the removal of culch should be restricted, and the Bill empowers Sea Fisheries Committees to make byelaws for these objects.

The Bill also empowers Local Fisheries Committees to take measures for stocking or re-stocking public oyster or mussel beds.

A

B I L L

TO

Extend the Powers of Local Fisheries Committees with respect to Fisheries for Shell Fish. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Extension of powers of local fisheries committees with respect to shell fish. 51 & 52 Vict. c. 54. 54 & 55 Vict. c. 37. Part II.

1.—(1.) The powers of a local fisheries committee to make byelaws in pursuance of section two of the Sea Fisheries Regulation Act, 1888, shall extend to making byelaws to be observed within their district for the regulation, protection, and development of fisheries for all or any specified kinds of shell fish, and any such byelaws may provide, amongst other things, for

(*a*) the fixing of the sizes and condition at which shell fish may not be removed from a fishery, and the mode of determining such sizes;

(*b*) the obligation to re-deposit in specified localities any shell fish the removal or possession of which is prohibited by or in pursuance of any Act of Parliament;

(*c*) the protection of shell fish laid down for breeding purposes;

(*d*) the protection of culch and other material for the reception of spat, that is to say, of the spawn or young of any kinds of shell fish; and

(*e*) the obligation to re-deposit such culch and other material in specified localities.

(2.) A local fisheries committee shall have power to stock or re-stock any public fishery for shell fish, and for that purpose to incur such expenses as may be sanctioned by the Board of Trade.

(3.) For the purposes of this Act the expression "shell fish" shall include all kinds of molluscs and crustaceans.

A.D. 1894.

Short title.

2. This Act may be cited as the Sea Fisheries (Shell Fish) Regulation Act, 1894, and the Sea Fisheries Regulation Acts, 1888 and 1891, and this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 to 1894.

Sea Fisheries (Shell Fish).

A

B I L L

To extend the Powers of Local Fisheries Committees with respect to Fisheries for Shell Fish.

(*Prepared and brought in by Mr. Bryce, Mr. Secretary Asquith, and Mr. Burt.*)

Ordered, by The House of Commons, *to be Printed*, 8 *June* 1894.

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[*Price* 1*d.*]

[Bill 274.]

A

B I L L

TO

Amend the Settled Land Act, 1882.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Construction and short title.

1. This Act shall be construed as one with the Settled Land Acts, 1882 to 1890, and may be cited together with those Acts as the Settled Land Acts, 1882 to 1894, and separately as the Settled Land Act, 1894.

Repeal.

2. From and after the *passing of this Act* subsection three of section thirty-seven of the Act of 1882 relating to the sale of heirlooms shall be and the same is hereby repealed.

Sale of heirlooms.

3. Notwithstanding anything contained in the Act of 1882 a sale or purchase of chattels under section thirty-seven of that Act shall not be made without the consent of the trustees of the settlement or an order of the Court.

Settled Land Act (1882) Amendment.

A

B I L L

To amend the Settled Land Act, 1882.

(*Prepared and brought in by Mr. Cozens-Hardy, Mr. Courtney, and Mr. Haldane.*)

Ordered, by The House of Commons, *to be Printed,* 18 *July* 1894.

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[Bill 320.]

Shops (Early Closing) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Application to local authority, and order for closing of shops.
2. Provisions as to making and effect of order.
3. Provision as to amendment and revocation of order.
4. Decision of questions as to classification of shops.
5. Closing of shop where two or more trades carried on.
6. Fine for contravention of order.
7. Provision in case of offence committed by agent or servant.
8. Summary proceedings for enforcement of Act.
9. Saving for chemists.
10. Saving for sales to lodgers.
11. Service of application on local authority.
12. Definitions.
13. Commencement of Act.
14. Short title.

SCHEDULE.

A

B I L L

TO

Provide for the earlier closing of Shops. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application to local authority, and order for closing of shops.

1.—(1.) If an application in writing is served on the local authority of any district, praying that, as regards all shops or any class of shops within the district, or any part of the district, belonging to any class or classes not mentioned in the schedule to this Act, an order may be made for the closing of such shops on each day or any specified day or days of the week at such hour or hours, not earlier than the hours hereafter in this section mentioned, as may be specified in the application, and if the local authority are satisfied that the application is signed by not less than two thirds in number of the occupiers of shops within the district belonging to the class or to each of the classes to which the application relates, the local authority may if they see fit make an order giving effect to the application.

(2.) The hour to be fixed for the closing of shops in pursuance of this section may on any one specified day of the week be any hour not earlier than *one* o'clock in the afternoon, but save as aforesaid shall not on any day be earlier than *six* o'clock in the evening.

Provisions as to making and effect of order.

2. With respect to an order of a local authority under this Act the following provisions shall have effect; that is to say,—

(1.) The order shall take effect at a date named therein, being not less than *one* nor more than *two months* after the making thereof, and shall before that date be published in such manner as to the local authority making the order may appear best

A.D. 1894.

fitted to insure publicity for the same, and on and after that date the order shall have effect as if it were enacted in this Act:

(2.) The order shall (if the application to the local authority containing such limitation) be expressed to have effect only during any specified part or parts of the year, and shall have effect accordingly, but, unless so limited, shall have effect throughout the year until revoked:

(3.) The central authority shall make regulations as to the form of such orders and of applications for the same, and as to the evidence to be produced respecting the proportion of persons signing such applications, and as to the classification of shops for the purposes of this Act; and any such regulations shall be published in such manner as the authority making the same may direct, and shall be duly observed.

Provision as to amendment and revocation of order.

3.—(1.) An order of a local authority under this Act may be amended by a subsequent order made upon the like application, and subject to the like provisions, and having the like effect as if it were an original order.

(2.) If at any time it is made to appear to the satisfaction of the local authority that more than one third in number of the occupiers of shops to which an order for the time being in force under this Act relates, or of any class of such shops, are opposed to the continuance of the order, the local authority may revoke the said order, or revoke the same in so far as it affects such class of shops as aforesaid, and thereupon the order, in so far as it is so revoked, shall cease to have effect, but the revocation of an order shall be without prejudice to the making of another order under this Act.

Decision of questions as to classification of shops.

4. If any question arises as to the classification of shops or trades for the purposes of this Act, or whether any particular shop or shops is or are included in any class to which any of the provisions of this Act or any application or order under this Act extends, such question may be referred to the central authority, whose decision on such question shall be final.

Closing of shop where two or more trades carried on.

5. A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades at the hour at which it is by any order made under this Act required to be closed for the purpose of any of them.

Fine for contravention of order.

6. Where a shop is open after the hour at which it is required by an order made under this Act to be closed, the occupier of such shop shall be liable to a fine not exceeding *five shillings*, and in

case of a second conviction not exceeding *twenty shillings*, and in case of a third or subsequent conviction not exceeding *five pounds*.

Provision in case of offence committed by agent or servant.

7.—(1.) Where an offence for which the occupier of a shop is liable under this Act to a fine has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine as if he were the occupier.

(2.) Where the occupier of a shop is charged with an offence against this Act or any order made thereunder, he shall be entitled, upon information duly laid by him, to have any agent or servant whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if after the commission of the offence has been proved the court is satisfied that the occupier had used due diligence to enforce the execution of this Act and the said order, and that the agent or servant committed the offence in question without the knowledge, consent, or connivance of the occupier, the agent or servant shall be convicted of the offence, and the occupier shall be exempt from any fine.

Summary proceedings for enforcement of Act. 41 & 42 Vict. c. 16.

8.—(1.) All offences against this Act or any order of a local authority made thereunder shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and the provisions relating to the application of the said Act to Scotland and Ireland, shall so far as they are applicable have effect as if re-enacted in this Act and in terms made applicable thereto:

Provided that in England or Ireland a prosecution shall not be instituted against any person for an offence against this Act or any order made thereunder except by or with the consent in writing of the chief officer of police having authority in the place where the offence was committed, or with the consent in writing of two justices of the peace, or of a stipendiary magistrate having jurisdiction in the place where such offence was committed; and such prosecution shall not be heard before the justices of the peace or stipendiary magistrate with whose consent the same has been instituted.

(2.) It shall be the duty in England and Ireland of every chief officer of police, and in Scotland of every procurator fiscal, to cause the provisions of this Act and of any order made thereunder to be duly enforced throughout the area in which he has authority.

Saving for chemists.

9. A pharmaceutical chemist or chemist and druggist shall not be liable to any fine under this Act for supplying medicines,

A.D. 1894.

drugs, or medical appliances after the hour appointed by an order made under this Act for the closing of shops; but this section shall not be deemed to authorise a pharmaceutical chemist or chemist and druggist to keep open shop after the said hour.

Saving for sales to lodgers.

10. Nothing in this Act or in any order made thereunder shall render the occupier of any premises liable to a fine for supplying any article to any person lodging in such premises.

Service of application on local authority.

11. An application shall for the purposes of this Act be deemed to be duly served on the local authority if delivered at the office of that authority, addressed to that authority or their clerk.

Definitions.

12. In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings hereby assigned to them respectively; that is to say,

"Shop" means any building or portion of a building, booth, stall, or place where goods are exposed or offered for sale by retail, and includes a place where the business of a barber is carried on:

"Closed" means not open for the serving of any customer: provided that nothing in this Act or any order made thereunder shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein:

"Local authority"—

(*a.*) in the City of London and the liberties thereof, means the mayor and commonalty and citizens of London acting by the common council; and

(*b.*) in the County of London, means the London County Council; and

(*c.*) elsewhere in England, means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875; and

38 & 39 Vict. c. 55.

30 & 31 Vict. c. 101.

(*d.*) in Scotland, means the local authority under the Public Health (Scotland) Act, 1867; and

(*e.*) in Ireland, means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878:

41 & 42 Vict. c. 52.

"District" means the area in which a local authority has jurisdiction:

"Central authority"—

(*a.*) in England, means the Local Government Board; and

(*b.*) in Scotland, means the Secretary for Scotland; and

(*c.*) in Ireland, means the Local Government Board for Ireland;

"Chief officer of police" means—

(*a.*) in the City of London and the liberties thereof, the Commissioner of City Police; and

(*b.*) in the Metropolitan Police District, the Commissioner or any Assistant Commissioner of Police of the metropolis; and

(*c.*) elsewhere in England, the chief constable or head constable, or other officer by whatever name called, having the chief local command of the police in any county, riding, parts, division, or liberty of a county, borough, town, place, or combination of places maintaining a separate police force; and

(*d.*) in the police district of Dublin metropolis, the Chief Commissioner of the Police for the said district; and

(*e.*) elsewhere in Ireland, the county inspector of the Royal Irish Constabulary in any district over which a county inspector is appointed.

Commencement of Act.

13. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-five.*

Short title.

14. This Act may be cited as the Early Closing Act, 1894.

A.D. 1894.

The SCHEDULE.

Premises in which any intoxicating liquor is sold by retail for consumption on the premises.

Refreshment houses, and places where hot cooked provisions are sold.

Tobacconists shops.

Newsagencies.

Shops (Early Closing).

A

B I L L

To provide for the earlier closing of Shops.

(Prepared and brought in by Sir John Lubbock, Mr. Chamberlain, Mr. Field, Col. Bridgeman, Mr. Cameron Corbett, Mr. C. Fenwick, Mr. Mather, Mr. Austin, and Mr. Kearley.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 52.]

Shop Hours Act (1892) Amendment Bill.

MEMORANDUM.

A very large number of cases of overworking boys and girls have been brought to light by the inspectors appointed under the Shop Hours Act passed in 1892. They have been found working from 75 to 100 hours a week, and in some cases even longer, equal to say from $12\frac{1}{2}$ to 16 hours a day. There is great difficulty in obtaining convictions on account of the total number of hours in the original Act being stated weekly only and not weekly and daily. It is therefore proposed by the present Bill to amend the Act limiting the hours that young persons may work to 11 hours a day or a total of 60 hours a week, which will allow of their having one half holiday per week. This is the only change in the law proposed by this Bill.

A

B I L L

TO

Amend the Shop Hours Act, 1892. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Shop Hours Act, 1894, and this Act and the Shop Hours Acts, 1892 and 1893, may be cited together as the Shop Hours Acts, 1892, 1893, and 1894.

Hours of employment in shops. **2.** No young person shall be employed in or about or in connexion with the work of a shop for a longer period than *eleven hours*, including meal times, on any day, or *sixty hours* in any week, each day's work to terminate not later than *nine* o'clock p.m.

Notice of hours to be given. **3.** In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act, and stating the number of hours on each day and in each week during which a young person may lawfully be employed in that shop, under a penalty not exceeding *five pounds* for each offence.

Shop Hours Act (1892) Amendment.

A

B I L L

To amend the Shop Hours Act, 1892.

(*Prepared and brought in by Mr. Provand, Mr. Seton-Karr, Mr. Samuel Smith, Colonel Bridgeman, Mr. Channing, and Mr. Rankin.*)

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[Bill 189.]

A

B I L L

TO

Amend the Law relating to the letting and tenure of Smaller Dwellings in Scotland. A.D. 1894.

WHEREAS great inconvenience and hardship are experienced by tenants of smaller dwelling-houses in Scotland in consequence of the system of house letting which prevails, whereby tenants require to take early in the year their houses for the period of one year from the terms of Whitsunday then next:

And whereas it is expedient that said inconvenience and hardship should be removed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited for all purposes as the Smaller Dwellings Tenure (Scotland) Act, 1894.

Extent and commencement of Act.

2. This Act shall extend to Scotland only, and shall come into operation on the *first day of January one thousand eight hundred and ninety-five*.

Definitions.

3. In this Act "burgh" shall mean royal burgh, parliamentary burgh, or any populous place, the boundaries whereof have been or shall be fixed and ascertained under the General Police and Improvement (Scotland) Act, 1862, or the Burgh Police (Scotland) Act, 1892, and "sheriff" shall include sheriff substitute.

Limit of lease of dwelling-house of less annual value than fifteen pounds.

4. No dwelling-house of a less annual value than *fifteen pounds* of yearly rent situated within a burgh shall hereafter be let for a longer period than *one month*, unless a garden is let along with and as a pertinent or adjunct of such dwelling-house, any law, custom, or agreement to the contrary notwithstanding, and the period of the let of all such dwelling-houses shall expire *at noon on the twenty-eighth day* of a month.

[Bill 71.]

A.D. 1894.

Renewal of lease.

5. Until notice of removal is given either by the landlord or the tenant in manner prescribed by the Removal Terms (Scotland) Act, 1886, the let of all such dwelling-houses shall be held to be renewed from noon on the twenty-eighth day of one month till *noon on the twenty-eighth day* of the next succeeding month.

Termination of lease.

6. Either the landlord or the tenant of any such dwelling-house may terminate the let of the same at noon on the twenty-eighth day of a month by giving a notice of removal in the manner and at the time mentioned in the said Act, the duration of the lease being, for the purpose of this Act, one month.

Procedure if tenant fails to remove from dwelling-house.

7. Should any tenant fail to remove from any such dwelling-house upon the termination of his let, it shall be competent to any person authorised by law to pursue a removing therefrom to present a summary complaint to the sheriff of the territory, in the manner and to the effect prescribed in the Sheriff Courts (Scotland) Act, 1838.

Rates and assessments.

8. All rates and assessments (excepting imperial taxes) leviable in respect of all such dwelling-houses shall be payable by the landlords of the same, who shall be entitled to recover the amount from their tenants, but it shall be lawful for the public authorities to whom the said rates and assessments are payable to grant to the landlord a reasonable abatement to cover the expense and risk of collection.

Smaller Dwellings (Scotland).

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B I L L

To amend the Law relating to the letting and tenure of Smaller Dwellings in Scotland.

(*Prepared and brought in by Mr. Alexander Cross, Sir James Carmichael, Mr. Baird, and Mr. M'Gilligan.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 71.]

Small Tenants (Scotland) Bill.

MEMORANDUM.

This Bill proceeds upon the assumption that it is desirable to stay the diminution of small holdings in Scotland, and to give encouragement to the occupiers to make all necessary improvements. Any tenant of a farm of less annual value than 50*l*. may obtain a valued rent and security of tenure for seven years, with compensation for improvements, subject to certain conditions, the proprietor otherwise retaining the power to select his tenant. In the case of a tenancy coming under this Act being vacant for twelve months, or of its proposed consolidation with a larger farm, the county council could intervene.

This Act differs in many ways from the Crofters Act, to which it bears a certain superficial resemblance. It is based upon a clearly defined principle, the cost of proceedings under it would be low, falling solely on the owner and tenant; it enables county councils to prevent diminution in the number of small holdings, and it provides that the improvements more commonly executed by small tenants should be the property of the tenant, for which he would be entitled to compensation.

A

B I L L

TO

Amend the Law relating to the tenure of Land in Scotland by Small Tenants.

A.D. 1894.

WHEREAS it is expedient to amend the law relating to the tenure of land in Scotland by small tenants.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Fair rent.

1. Subject to the provisions of this Act any small tenant herein-after called the tenant shall be entitled to have a fair rent fixed for his holding in the manner herein-after provided, and save by mutual agreement the fair rent so fixed shall not be altered for *seven years* herein-after called the statutory period.

Security of tenure.

2. During the currency of a statutory period the tenant shall not be removed from his holding save for breach of one or more of the conditions following in this Act referred to as statutory conditions.

(1.) The tenant shall pay his rent at the terms at which it is due and payable.

(2.) The tenant shall not execute any deed purporting to assign his tenancy.

(3.) The tenant shall not to the prejudice of the interest of the landlord persistently injure the holding by the dilapidation of buildings or after notice has been given by the landlord to the tenant not to commit or to desist from the particular injury specified in such notice by the deterioration of the soil.

(4.) The tenant shall not sub-divide his holding or sublet the same or any part thereof, or any building thereon.

(5.) The tenant shall not do any act whereby he becomes notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, and the Debtors (Scotland) Act, 1880, and shall not execute a trust deed for behoof of creditors:

A.D. 1894.

(6.) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable compensation for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say):

Mining or taking minerals, or digging or searching for minerals;

Quarrying or taking stone, marble, gravel, sand, clay, slate, or other workable mineral;

Cutting or taking timber or peats, excepting timber and other trees planted by the tenant or his predecessors in the holding, being of the same family, or that may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the holding;

Opening or making roads, fences, drains, and watercourses;

Passing and re-passing to and from the shore of the sea or any loch with or without horses and carriages for exercising any right of property or other right belonging to the landlord;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon;

Hunting, shooting, fishing, or taking game or fish, wild birds, or vermin. The word "game" for the purposes of this sub-section means deer, hares, rabbits, pheasants, partridges, quails, landrails, grouse, blackgame, capercailzie, ptarmigan, woodcock, snipe, wild duck, widgeon, and teal;

And the tenant shall not obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right reserved or conferred by this sub-section.

(7.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Removal.

3. When *one year's* rent of the holding, but less than *two* years' rent is due and unpaid, the tenant shall be liable to be removed in manner provided by section twenty-seven of the Agricultural Holdings (Scotland) Act, 1883.

When *two years'* rent of the holding is due and unpaid, and when the tenant has broken any other of the statutory conditions, he shall forfeit his tenancy, and shall be liable to be removed in manner provided by the fourth section of the Act of Sederunt anent Removing of the fourteenth day of December one thousand seven hundred and fifty-six.

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Renunciation of tenancy.

4. A tenant shall be entitled upon *one year's* notice to the landlord to renounce his tenancy as at any term of Whitsunday or Martinmas.

Bequest of tenancy.

5. A tenant may by will or other testamentary writing bequeath his right to his holding to one person being a member of the same family—that is to say, his wife or any person who failing nearer heirs would succeed to him in case of intestacy (herein-after called "the legatee") subject to the following provisions :—

(*a.*) The legatee shall intimate the testamentary bequest to the landlord or his known agent within forty days after the death of the tenant, unless he is prevented by some unavoidable cause from making intimation within that time, and in that event he shall make intimation as soon as possible thereafter :

(*b.*) Intimation to the landlord or his known agent by the legatee shall import acceptance of the tenant's right to the holding by the legatee :

(*c.*) Within *one month* after intimation has been made to the landlord or his known agent, he may intimate to the legatee that he objects to receive him as tenant in the holding :

If the landlord or his known agent makes no such intimation within one month, the legatee shall come into the place of the tenant in the holding as from the date of the death of the deceased tenant.

(*d.*) If the landlord or his known agent intimates that he objects to receive the legatee as tenant in the holding, the legatee may present a petition to the sheriff, praying for decree declaring that he is the tenant therein as from the date of the death of the deceased tenant, of which petition due notice shall be given to the landlord, who may enter appearance and state his grounds of objection; and if any reasonable ground of objection is established to the satisfaction of the sheriff, he shall declare the bequest to be null and void; but otherwise he shall decern and declare in terms of the prayer of the petition :

(*e.*) The decision of the sheriff under such petition as aforesaid shall be final in all respects :

(*f.*) Where the legatee shall have presented a petition to the sheriff as aforesaid, the legatee pending any proceedings shall have possession of the holding unless the sheriff shall otherwise direct on cause shown :

(*g.*) If the legatee shall accept the bequest, and the bequest is not declared to be null and void as aforesaid, the legatee shall

A.D. 1894.

be entitled to possess the holding on the same terms and conditions as if he had been the nearest heir of the tenant:

(*h.*) If the legatee does not accept the bequest, or if the bequest is declared to be null and void as aforesaid, the right to the holding shall descend to the heir of the tenant in the same manner as if the bequest had not been made.

Compensation for improvements.

6. At the end of a statutory period, or when during the currency thereof, the tenant renounces his tenancy or is removed from his holding, the tenant shall be entitled to compensation for any improvements on the said holding executed or paid for by him or his predecessors in the same family, provided that,—

(1) the improvements are suitable to the holding;

(2) the improvements have not been already taken into account in the fixing of a fair rent for the holding, or been executed in virtue of any specific agreement under which the tenant was bound to execute such improvements.

Principle of valuation.

7. Improvements shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant, provided that in fixing the amount of compensation payable, the value of any assistance or consideration which may be proved to have been given by the landlord or his predecessors in title, shall be taken into account and deducted from such compensation, and provided also, that the amount of compensation shall be subject to deduction of any sums due to the landlord—

(1) for rent payable in respect of the holding;

(2) for any taxes, rates, public burdens, interest, moneys payable in respect of drainage, or premiums of insurance payable in respect of the holding, for which the tenant is liable as between him and the landlord.

(3.) For the breach of any contract relative to the holding committed by the tenant within the *four years* preceding the determination of the tenancy.

(4.) For any deterioration committed or permitted by the tenant within the four years preceding the determination of the tenancy.

And that there shall be added to the amount of compensation any sum due by the landlord to the tenant for compensation in respect of any stipulation in any contract relating to the holding or his tenancy thereof.

Notice of claim.

8. Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless *two months* at least before the determination of the tenancy he gives notice to the

landlord of his intention to make a claim for compensation under this Act. And whether a tenant has given such notice or not, the landlord may, before the determination of the tenancy, or within *fourteen days* thereafter, give notice to the tenant of his intention to make a claim for compensation under sub-sections (3) and (4) of section seven hereof. Any notice of claim shall state, as far as reasonably may be, the particulars and amount of the intended claim.

Reference.

9. If the landlord and the tenant do not agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act, the difference shall be settled by a reference to a single referee, in which the procedure shall as far as possible be the same as that hereinafter prescribed with reference to the fixing of a fair rent.

Appointment of referees.

10. Where the tenant desires to have a fair rent fixed he shall intimate to the landlord that he desires to enter into a reference. The reference shall be to a single referee, who shall be appointed as follows :—

(1.) If the parties concur the referee may be appointed by them jointly.

(2.) In the event of the parties failing to concur in the appointment of a referee, it shall be competent for either party, after *seven* days notice to the other, to apply to the sheriff, who shall within *fourteen* days after such application appoint from the list herein-after mentioned a competent and impartial person to be referee ; provided always, that if, in the special circumstances of the case, the sheriff shall consider it expedient, it shall be competent for him to appoint a referee who is not on the list.

(3.) If before an award is pronounced the referee dies or becomes incapable of acting, or if the referee is removed by the sheriff, or if for *seven* days after notice from the parties of his appointment, he fails to accept the reference and to act, the proceedings shall begin afresh as if no referee had been appointed.

Power of referee.

11. The referee may visit and inspect the holding and may call for the production of any evidence which is in the possession or power of either party, or which either party can produce, and which seems to him necessary for the determination of the question between the parties, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

Power to proceed in absence.

12. The referee may proceed in the absence of either party where this course appears to him expedient, after notice given to the parties.

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Award.

13. Except where the parties concur in prolonging the time, the referee shall pronounce and sign his award, and shall have the same ready for delivery within six months after the date of his accepting of his appointment, and in the event of his failure in this respect he shall have no claim for any fee or fees payable as herein-after provided, and may, on the application of either party, be removed by the sheriff.

The award shall in all cases be final.

Expenses.

14. The expenses of and connected with the reference, including the remuneration of the referee and other proper expenses, shall be borne and paid by either party in whole or by the parties in such proportions as the referee shall consider just, regard being had to the reasonableness or unreasonableness of the parties or either of them, and to the whole circumstances of the case.

The award may decern for the payment of the whole or any part of the expenses by either party to the other, and in that case the award shall specify the amount to be so paid.

The amount of the expenses shall be subject to taxation by the auditor of the Sheriff Court on the application of either party.

Table of fees.

15. The fees payable in, and in connexion with all proceedings under this Act, other than the fees payable by the parties to their law agents shall be those set forth in the schedule hereto, and where expenses are awarded by the referee to one party against the other, the amount allowed by the auditor in respect of law agent's fees, exclusive of outlays, shall in no case exceed the sum of five pounds sterling. The fees of law agents and all other fees and charges, save and except those set forth in the schedule hereto, shall be those in Scale I. sanctioned by the Act of Sederunt of December 4th, 1878.

Recovery of Compensation.

16. Where any money agreed or awarded to be paid for compensation, expenses, or otherwise, is not paid within *one month* after the time when it is agreed or awarded to be paid, it shall be competent to record the agreement or award in the books of the Sheriff Court to the effect of enabling execution to pass thereon in common form as upon an extract registered bond or decree arbitral.

Award fixing fair rent.

17. Every award fixing the fair rent for a holding shall specify the nature and extent of the holding, the condition and value of the buildings thereon and the condition of the soil, and such other particulars as have been taken into consideration by the referee in fixing the fair rent.

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Register.

18. There shall be kept in the sheriff clerk's office of each county a book to be called the "Small Holdings Register." In this book the sheriff clerk shall immediately on its being lodged with him record every award fixing the fair rent for a holding, and every award in a reference under Clause 20 hereof and no such award be valid or effectual until it has been so lodged for recording. Where any county is divided into Districts for judicial purposes there shall, instead of one "Small Holdings Register" for the whole county be a Small Holdings Register for each district applicable to the holdings situated therein and kept by the resident sheriff clerk or sheriff clerk depute.

County council list of Referees.

19. Each county council shall annually prepare a list of not less than seven or more than fifteen competent and impartial persons resident within its district suitable to be referees in all references arising under this Act.

Power to county council to expropriate, &c.

20. On the determination of the tenancy of any holding with reference to which an award of fair rent has been entered in the small holdings register, it shall be competent to the landlord to let the same, either to the former tenant or to any other person whom he may select, provided always, that if within *twelve months* from the determination of such tenancy the holding shall not have been let to an occupying tenant, it shall be competent for the county council to call upon the landlord to let the holding to them with power to sublet or in their option to feu or to sell the same to them. In every such case the rent feu duty or price to be paid by the county council shall be determined by a reference in the manner herein-before provided, and the award in every such reference shall specify the particulars prescribed in the case of an award fixing the fair rent for a holding, and shall be entered in the "Small Holdings Register" for the county or district.

Writing required.

21. Every notice, application, claim, intimation, appointment, agreement, or award under this Act shall be in writing, otherwise the same shall be invalid and of no force or effect, but such writing need not be probative according to the forms prescribed by the law of Scotland.

Interpretation.

22. In this Act—

"Small tenant" means the tenant of a "small holding" whether under lease or not who resides on his holding.

"Small holding" means an agricultural subject held by a tenant whether arable or pasture, or partly arable and partly pasture, the annual rent of which does not exceed fifty pounds

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sterling, but does not include garden or policy ground only appurtenant to a house.

"Determination of tenancy" means the expiry of the tenancy by reason of effluxion of time or from any other cause.

"Landlord" means any person for the time being entitled to receive the rents and profits of, or to take possession of any small holding.

"Sheriff" includes sheriff substitute.

Comment and short title.

23. This Act shall come into force on the *first day of January one thousand eight hundred and ninety* , shall apply to Scotland only, and may be cited for all purposes as "The Small Tenant's (Scotland) Act 1894."

SCHEDULE.

A.D. 1894.

I. FEES PAYABLE TO SHERIFF CLERK.

	£	s.	d.
Every application to sheriff - - - - -	0	2	0
Every order appointment or decree by sheriff - - -	0	2	0
Recording award in small holdings register - - -	0	5	0

II. FEE PAYABLE TO—

Sheriff court auditor for taxation - - - -	0	5	0

III. FEES AND DUES OF REFERENCE.

1. Fixing fair rent, feu duty, or price—

To referee—			
When present rent under 20*l.* - - - -	2	2	0
When present rent over 20*l.* and under 35*l.* - -	3	3	0
When present rent over 35*l.* and under 50*l.* - -	4	4	0
To clerk - - - - - -	1	1	0

2. Fixing compensation—

To referee—			
When total claims submitted for adjudication are under 50*l.* - - - - - -	2	2	0
When total claims submitted for adjudication are over 50*l.* and under 100*l.* - - - - -	3	3	0
And for each 50*l.* or part thereof additional - -	1	1	0
To clerk - - - - - -	1	1	0

The referee and clerk shall in all cases be also entitled to their actual travelling expenses and to sustenance money for each day engaged away from home at the rate of per day—

Referee - - - - - - -	0	15	0
Clerk - - - - - - -	0	10	0

Small Tenants (Scotland) Bill.

A

B I L L

To amend the Law relating to the Tenure of Land in Scotland by Small Tenants.

(Prepared and brought in by Dr. Farquharson, Mr. Buchanan, Mr. Crombie, Captain Sinclair, and Mr. Wason.)

Ordered, by The House of Commons, *to be Printed,* 20 *April* 1894.

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[*Price* 1½*d.*]

[Bill 181.]

A

B I L L

TO

Amend the Provisions of the Solicitors' Act, 1877, relating to the Examination of Persons applying to be admitted Solicitors of the Supreme Court in England. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act. 40 & 41 Vict. c. 25.

1. This Act may be cited as the Solicitors Act, 1894, and shall be construed together with the Solicitors Act, 1877.

Interpretation of terms.

2. Words and expressions to which meanings are assigned by the Solicitors Act, 1877, have in this Act the same respective meanings.

Power of Society to exempt from intermediate examination persons who have taken certain degrees, &c.

3. It shall be lawful for the Incorporated Law Society, by regulations made under section six of the Solicitors Act, 1877, to exempt from the whole or from any part of the intermediate examination persons who have, before the *passing of this Act*, obtained, or who shall hereafter, but before entering into articles of clerkship obtain, the degree of bachelor of civil law or bachelor of laws or bachelor of law at any university in the United Kingdom, or any such other degree or distinction in any school or faculty of law or jurisprudence at any university in the United Kingdom as shall be from time to time specified in the regulations.

A person exempted from the whole of the intermediate examination may be admitted as a solicitor without a certificate of having passed such examination, and a person exempted from part of the intermediate examination may be admitted as a solicitor if he has obtained a certificate of having passed the part or parts of the examination from which he is not exempted.

Solicitors' Examination.

A

B I L L

To amend the provisions of the Solicitors Act, 1877, relating to the Examination of Persons applying to be admitted Solicitors of the Supreme Court in England.

(*Prepared and brought in by Sir Albert Rollit, Mr. Perks, Mr. Billson, and Mr. Chance.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 112.]

A

B I L L

TO

Amend the Law for regulating the Admission of Law Clerks into the Profession of Solicitors in Ireland. A.D. 1894.

WHEREAS it is expedient to amend the law relating to the admission of law clerks into the profession of solicitors in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Attorneys and Solicitors (Ireland) Act, 1860, Amendment Act, 1894.

Extent of Act.

2. This Act shall extend to Ireland only.

Interpretation of terms.

3. In this Act—

"Lord Chancellor" means the Lord Chancellor of Ireland, and shall include Lords Commissioners and Lord Keeper of the Great Seal of Ireland.

"Supreme Court" means the Supreme Court of Judicature in Ireland.

"Solicitor" means solicitor of the Supreme Court, and shall include solicitor of the late Court of Chancery in Ireland and Attorney of Her Majesty's late courts of common law in Ireland.

"Registrar" means the registrar of solicitors.

"The Incorporated Law Society" means the society of attorneys and solicitors of Ireland acting under the present or any future charter.

"Preliminary examination" means an examination in general knowledge of persons seeking to be admitted to the profession of solicitors in Ireland.

"Intermediate examination" means an examination of persons seeking to be admitted as solicitors in Ireland in order to ascertain the progress made by such persons during the period

A.D. 1894.

elapsing between the passing of their preliminary and final examination in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors.

"Final examination" means an examination of persons applying to be admitted as solicitors touching the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court of Judicature in Ireland, an inquiry into the truth of such allegation.

"Law clerk" means a bonâ fide clerk to a solicitor or solicitors bonâ fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and performed by solicitors.

"Preliminary certificate" shall mean a certificate to be given by the Incorporated Law Society to entitle law clerks to enter for the prescribed examination.

Admission of law clerks of fifteen years service.

4. Any person under this Act who, either before or after the *passing of this Act*, shall for the term of *fifteen years* have been a law clerk, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such clerk, and has been examined, paid to the Inland Revenue the duty and to the Incorporated Law Society the fees mentioned in the ninth section of this Act, and sworn in the manner for the time being prescribed by the Lord Chancellor, shall be admitted, enrolled, and registered as a solicitor.

Admission of law clerks of seven years service.

5. Any person who, either before or after the *passing of this Act*, shall for the term of *seven years* have been a law clerk, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such law clerk, and who after the expiration of the said term of seven years, and after having passed the preliminary, intermediate, and final examinations, and has paid the duties and fees mentioned in the ninth section of this Act, and been sworn in the manner for the time being prescribed by the Lord Chancellor, shall be admitted, enrolled, and registered as a solicitor.

Application by law clerk to be examined.

6. Any law clerk desiring to be examined for the profession of solicitor under the provisions of this Act shall apply to the Incorporated Law Society stating his desire to be examined for such profession, and the section of this Act under which he seeks that such examination or examinations should be held, and shall furnish

with such application evidence that he has been a law clerk for the prescribed period; and the Incorporated Law Society shall, subject as hereafter in this section provided, issue to such law clerk a preliminary certificate, which may be in the form in the schedule to this Act, stating he is entitled to be examined accordingly, and thereupon such law clerk, upon payment of the duty thereon provided for by this Act, shall be examined under the provisions of this Act.

The Incorporated Law Society may refuse to give such certificate upon the following grounds:

(*a.*) That the applicant is not a law clerk who has been engaged for the required period;

(*b.*) The moral unfitness of the applicant;

such refusal must be given in writing by the Incorporated Law Society to the applicant, and shall state the grounds upon which such refusal is based, and any applicant objecting to such refusal may apply to the Lord Chancellor in respect thereto in the manner prescribed by this Act.

Nothing in this section contained shall preclude any law clerk entitled to apply to be examined under the fourth section hereof from applying under the fifth section hereof.

Subjects of examination.

7. Except as in this Act provided, the examination to which applicants for admission as solicitors under the fourth section hereof shall consist of the subjects similar to those to be prescribed for final examination under the provisions of the Attorneys and Solicitors, Ireland, Act, 1866, and, except as in this Act provided, the preliminary, intermediate, and final examinations provided by the fifth section hereof shall be the preliminary, intermediate, and final examinations for the time being prescribed by the Incorporated Law Society for examination of apprentices to solicitors bound by indentures:

Provided, however, that the Lord Chancellor, the President of the Queen's Bench Division of the High Court of Justice in Ireland, the Master of the Rolls in Ireland, or any two or more of them, of whom the Lord Chancellor shall be one, may, where under special circumstances they see fit to do, upon application to be made on petition by any person seeking to be admitted as solicitor under sections four and five hereof, exempt such person from compliance with the examinations and regulations for the time being in force relative to the respective examinations in this section prescribed, either wholly or partly, or subject to such conditions as they may deem fit.

Incorporated Law Society to arrange for examination.

8. The Incorporated Law Society shall make all necessary arrangements for the holding of examinations under this Act at times similar to examinations pursuant to the provisions of the Attorneys and Solicitors, Ireland, Act, 1866.

Duty payable.

9. The duty prescribed by sections four and five hereof shall be a sum equivalent to the amount for the time being payable to the Inland Revenue upon the indentures of apprentices to solicitors, and shall be paid to the Inland Revenue upon the preliminary certificates, and the fees by the said sections provided shall be fees similar to those for the time being payable to the Incorporated Law Society by apprentices bound by indentures, and shall be paid at the time of entry for such examinations or such other times subsequent thereto as the Incorporated Law Society shall prescribe.

Certificate of passing.

10. The Incorporated Law Society shall give to every applicant under this Act, and who has passed the prescribed examinations, a certificate of such passing; and any person who has been refused such certificate, and who objects to such refusal, shall be at liberty within one month next after such refusal to appear by petition to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord Chancellor may from time to time direct.

Petitions in case of refusal of certificate.

11. In the meantime, and until the Lord Chancellor otherwise directs, all petitions in this Act provided for shall be presented to the office of the secretary of the Lord Chancellor without payment of any fee, and a copy of such petition shall be left therewith, and shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be read by the Lord Chancellor on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as the Lord Chancellor may appoint. On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, and when any person who has been refused a preliminary certificate, and who has on appeal to the Lord Chancellor obtained an order therefor, such order shall entitle him to such preliminary certificate from the Incorporated Law Society, and when any person who has been refused a certificate of having passed his final examination under sections four or five on appeal to the Lord Chancellor obtain an order for his admission, such order shall

entitle him to a certificate from the Incorporated Law Society of his fitness and competency to act as a solicitor and in the usual business transacted as a solicitor in the same manner as if he had passed his final examination. A.D. 1894.

Certificate and renewal certificate.

12. The Incorporated Law Society shall issue to all persons entitled to same all necessary certificates and renewal certificates pursuant to the Attorneys and Solicitors, Ireland, Act, 1866, to enable persons so entitled under this Act to from time to time obtain the necessary licence to enable them to act as solicitors.

Repeal.

13. The tenth section of the Attorneys and Solicitors, Ireland, Act, 1866, and such other provisions of said Act as are repugnant hereto, are hereby repealed, save that this repeal shall not affect anything done or suffered under that Act.

SCHEDULE before referred to.

A.B., of , being a law clerk engaged as such for not less than fifteen years (or "seven years," as the case may be), is entitled upon payment to the Inland Revenue of the duty prescribed by the Attorneys and Solicitors (Ireland) Act (1866), Amendment Act, 1894, and of the fees payable to the Incorporated Law Society upon his entering for examination, to be examined for the profession of solicitor in Ireland pursuant to the provisions of the fourth section (or fifth section, as the case may be) of said Act.

Solicitors (Ireland).

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To amend the Law for regulating the Admission of Law Clerks into the Profession of Solicitors in Ireland.

(*Prepared and brought in by Mr. Field and Dr. Kenny.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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[Bill 108.]

Solicitors (Ireland) (No. 2).

MEMORANDUM.

This Bill has been brought forward with the approval of the Incorporated Law Society of Ireland with the object of remedying the defects of the law in respect to solicitors, as it at present exists and placing them practically upon the same terms as solicitors in England.

In the year 1866 an Act (the 29 & 30 Vict. c. 84.) was passed to "Amend the law for the regulation of the professions of attorneys "and solicitors in Ireland, and assimilate them to those in "England." This Act was founded on an Act which had been passed in England in 1860.

As serious defects became manifest in the Act of 1860, the English solicitors took steps to have the defects amended and their grievances removed, obtaining for these purposes three Acts, *i.e.*, the Attorneys and Solicitors Act, 1874 (37 & 38 Vict. c. 68.), the Solicitors Act, 1877 (40 & 41 Vict. c. 25.), and the Solicitors Act, 1888 (51 & 52 Vict. c. 65.).

The present Bill seeks to place Irish solicitors and their apprentices and clerks in as good a position as their English brethren.

The Bill is divided into eleven parts—

Part I. (Clauses 1–6) is preliminary, dealing principally with definitions.

Part II. (Clauses 7–8) deals with the lectures and examinations.

Part III. (Clauses 9–33) deals with the terms of apprenticeship and admission.

Part IV. (Clause 34) deals with admission of colonial solicitors.

Part V. (Clause 35) deals with the roll of solicitors.

Part VI. (Clauses 36–39) deals with striking off the roll.

Part VII. (Clauses 40–50) deals with solicitors certificates.

Part VIII. (Clauses 51–52) deals with fees.

Part IX. (Clauses 53–55) deals with penalties.

Part X. (Clauses 56–63) are miscellaneous provisions. And

Part XI. (Clauses 64–65) provides for temporary provision and repeal.

It may, perhaps, be well to mention that the chief objects of the Bill are to give the council of the Incorporated Law Society more complete control over the educational course connected with entrance into the solicitors profession, and also to give the custody of the roll of solicitors to the society. The other small changes are very much matters of detail.

Solicitors (Ireland) (No. 2).

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.
5. Registrar of solicitors.
6. No person to act as a solicitor unless admitted and enrolled.

Lectures and Examinations.

7. Power to Society to provide lectures.
8. Examinations to be held under management of Society.

Apprenticeship and Admission.

9. Admission to apprenticeship.
10. No solicitor to have more than two apprentices at one time, or to take or retain any apprentice after discontinuing business, nor whilst clerk to another solicitor.
11. No person to be admitted a solicitor unless he shall have served an apprenticeship of five years.
12. Persons having taken degrees at certain universities may be admitted after three years' service.
13. Persons having been at the bar may be admitted after three years' service.
14. Provision for admission of university graduates after four years' apprenticeship.
15. Persons attending certain lectures and passing certain examinations in faculty of law during two collegiate years may be admitted after four years' service.
16. Persons having been bonâ fide clerks to solicitors for seven years may be admitted after three years' service.

Clause.

17. General exemptions from preliminary examination.
18. Power of judges to grant special exemptions from preliminary examination.
19. In case solicitors become bankrupt or insolvent, or be imprisoned, indentures to be discharged or assigned.
20. Disqualification of solicitor not to affect service of apprentice.
21. Applications for striking solicitors off the roll for defect in indentures, &c. to be made within twelve months of admission.
22. Apprentices whose masters have died or left off practice may enter into fresh indentures for the residue of their term
23. Power to judge to order assignments under last section.
24. Indentures of apprenticeship to be registered by the registrar.
25. Apprentices before admission to make affidavit of having served. Apprentices may hold offices or engage in employment in certain cases. Lord Chancellor's order. Notice of application to be given to Incorporated Law Society. Lord Chancellor may attach conditions to order. Proof of compliance with conditions.
26. Certificate of having passed examinations requisite for admission of solicitor.
27. Power to Lord Chancellor to admit though service under articles irregular.
28. Candidates not to present themselves for final examination till expiration of apprenticeship unless where it expires in vacation.
29. Exemption of certain barristers from intermediate examination and service under articles.
30. Appeal to Lord Chancellor against refusal of certificate.
31. Admission as solicitor by Lord Chancellor.
32. Enrolment of persons admitted.
33. Persons admitted capable of practising in all other courts on signing rolls of other courts.

Admission of Colonial Solicitors.

34. Attorneys and solicitors of colonial courts to be admitted solicitors in Ireland. Conditions of such admittance. Stamps on such admission. Only to apply to colonies specified in Order in Council.

Roll of Solicitors.

Clause.
35. Transfer to Incorporated Law Society of roll of solicitors.

Striking off Roll.

36. Constitution of committee.
37. Applications to be made to committee. Report of committee.
38. Power to administer oaths.
39. Order for striking solicitor off the roll to be entered in the roll and register.

Solicitors' Certificates.

40. Register of solicitors to be kept.
41. Commissioners of Stamps not to grant any certificate until registrar has certified that the person applying is entitled thereto.
42. On application for a certificate a declaration to be signed and entered in a book.
43. Registrar's certificates on payment of duty to be deemed the stamped certificates.
44. For obtaining certificate place of business to be deemed place of residence.
45. The declaration on applying for the registrar's certificate to be in duplicate, and one copy to be left with the Commissioners.
46. On registrar's refusal, application to be made to court.
47. Certificate to be entered with the registrar, the Commissioners to supply particulars when stamped.
48. Date and determination of certificate.
49. Jurisdiction as to renewal of annual certificates.
50. No costs recoverable by unqualified person.

Fees.

51. Fees payable to Incorporated Law Society.
52. No other fees to be payable by apprentices, &c. other than those authorised by this Act.

Penalties.

Clause.
53. Solicitors not to act for unqualified person, &c.
54. Penalty for wrongfully acting as a solicitor.
55. Penalty for wrongfully acting as solicitor. Offences may be prosecuted before a court of summary jurisdiction.

Miscellaneous Provisions.

56. Provision as to admission to offices of solicitors who have been barristers.
57. Council of Incorporated Law Society may act on behalf of the Society.
58. Authentication of regulations and other documents.
59. Rules as to procedure before committee, and for carrying Act into execution.
60. Act not to extend to examination, &c. of solicitors to public departments.
61. Construction of enactments referring to attorneys and examinations.
62. Substitution of provisions of this Act for repealed provisions.
63. Existing jurisdiction of Lord Chancellor and Judges reserved.

Temporary Provision and Repeal.

64. Temporary provision as to examinations.
65. Repeal of 29 & 30 Vict. c. 84.
SCHEDULES.

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B I L L

TO

Amend and consolidate the Laws relating to Solicitors and to the service of Indentured Apprentices in Ireland. A.D. 1894.

WHEREAS it is expedient to amend and consolidate the laws relating to solicitors, and to the service of indentured apprentices to solicitors in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Solicitors (Ireland) Act, 1894. Short title.

2. This Act shall extend to Ireland only. Extent of Act.

3. This Act shall, so far as regards the power of the Lord Chancellor and certain of the judges of Her Majesty's High Court of Justice in Ireland and of the Incorporated Law Society to make regulations hereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations hereunder, come into operation on the *passing hereof*, and for all other purposes shall come into operation on the *first day of January one thousand eight hundred and ninety-five.* Commencement of Act.

4. In this Act "Lord Chancellor" means the Lord Chancellor of Ireland, and shall include Lords Commissioners, and Lord Keeper of the Great Seal of Ireland: Interpretation of terms.

"Solicitor" means solicitor of the Supreme Court:

"Registrar" means the registrar of solicitors:

"The Incorporated Law Society" or "the Society" means "the Incorporated Law Society of Ireland" acting under their present or any future charters:

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40 & 41 Vict. c. 25. s. 4.

"Preliminary examination" means an examination in general knowledge of persons seeking to become bound under indentures of apprenticeship to solicitors:

"Intermediate examination" means an examination of persons bound under indentures of apprenticeship to solicitors in order to ascertain the progress made by such persons during their apprenticeship in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors:

"Final examination" means an examination of persons applying to be admitted as solicitors as well touching the indentures of apprenticeship and service as the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of such allegation.

Registrar of solicitors. 29 & 30 Vict. c. 84. s. 28.

5. There shall be a registrar of solicitors, who shall have the powers and perform the duties by this Act provided, and the office of such registrar shall be vested in the Incorporated Law Society under their present or any future charters of incorporation.

No person to act as a solicitor unless admitted and enrolled.

6. From and after the commencement of this Act, no person shall act as a solicitor, or as such solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in his own name or in the name of any other person in Her Majesty's Supreme Court, or in the Court of Bankruptcy in Ireland, or in the Court of the Land Commission, or in the county court or petty sessions courts of any county or riding of a county, or in any court of civil or criminal jurisdiction, in that part of the United Kingdom of Great Britain and Ireland called Ireland, or act as a solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice of justices, or before any Commissioner of Her Majesty's Revenue, unless such person shall have been admitted and enrolled and otherwise duly qualified to act as a solicitor under or by virtue of the laws now in force, or unless such person shall after the commencement of this Act be admitted and enrolled and otherwise duly qualified to act as a solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on

29 & 30 Vict. c. 84. s. 3.

the roll of solicitors at the time of his acting in the capacity of a solicitor as aforesaid, except as herein-after in this Act mentioned. A.D. 1894.

Lectures and Examinations.

Power to Society to provide lectures.

7. It shall be lawful for the Incorporated Law Society, from time to time, to provide lectures, classes, and other teaching for persons bound, or about to be bound, under indentures of apprenticeship, to solicitors, and for that purpose to appoint such professors and lecturers to hold office for such period, and on such terms, and for such remuneration, and subject to such conditions as the Incorporated Law Society may from time to time determine.

Examinations to be held under management of Society.

8. The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year, commencing with the *first day of January one thousand eight hundred and ninety-five*, and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination; and the Society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power from time to time to make regulations with respect to all or any of the following matters; (that is to say,)

40 & 41 Vict. c. 25. s. 6.

(A.) With respect to the admission to apprenticeship, the attendance of apprentices at lectures, and other matters connected therewith;

(B.) With respect to the subjects for and the mode of conducting the examination of candidates; and

(C.) With respect to the times and places of examination, and the notices of examinations; and

(D.) With respect to the certificates to be given to persons of their having passed any examination; and

(E.) With respect to the appointment and removal of examiners, professors, and lecturers, and with respect to the remuneration by fees or otherwise of the examiners, professors, or lecturers so appointed; and

(F.) With respect to any other matter or thing as to which the Society think it expedient to make regulations for the purpose of carrying this section into execution.

Any regulation made under the authority of this section may be altered or revoked by a subsequent regulation; and copies of all regulations made under the authority of this section shall be transmitted to the Lord Chancellor and the presidents of the Queen's Bench Division, and the Exchequer Division of the High Court, and to the Master of the Rolls, and if within *twenty-eight days* after a

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copy of any regulation has been so transmitted, any three of those judges, or any two of them in the event of the office of President of the Exchequer Division ceasing to exist (the Lord Chancellor being one), signify by writing under their hands, addressed to the president or secretary of the Society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof has come into force, any three of those judges, or any two of them in the event aforesaid (the Lord Chancellor being one), shall signify in manner aforesaid their dissent from such regulation or any part thereof, the same shall, at the expiration of *two months*, cease to be of any force or effect.

Apprenticeship and Admission.

Admission to apprenticeship.

9. Save as herein-after by this Act provided, no person shall be capable of being bound by indentures of apprenticeship to serve as an apprentice to a solicitor unless he shall have obtained from the Incorporated Law Society a certificate that he has passed a preliminary examination and has complied with such regulations as the Society under the provisions of this Act may have prescribed with respect to the admission to apprenticeship.

No solicitor to have more than two apprentices at one time, or to take or replace any apprentice after discontinuing business, nor whilst clerk to another solicitor. 6 & 7 Vict. c. 73. s. 4.

10. No solicitor shall have (save as herein-after in this section mentioned) more than two apprentices at one and the same time bound by indentures of apprenticeship to serve him as apprentices, and no solicitor shall take, have, or retain any such apprentice after such solicitor shall have discontinued or left off practising as or carrying on the business of a solicitor, nor whilst such solicitor shall be retained or employed as a writer or clerk by any other solicitor, and service by any apprentice under such indentures as aforesaid, to any solicitor for and during any time that such solicitor shall be so employed as writer or clerk to any other solicitor, shall not be deemed good service under such indentures: Provided always that in every case where a solicitor at the commencement of this Act has three apprentices he may have and retain such apprentices till the expiration of their indentures of apprenticeship.

No person to be admitted a solicitor unless he shall have served an apprenticeship of five years. 29 & 30 Vict. c. 84. s. 4.

11. No person, save as herein-after by this Act provided, shall from and after the commencement of this Act be capable of being admitted and enrolled as a solicitor unless such person shall have been bound by indentures of apprenticeship to serve as an apprentice for and during the term of *five years* to a practising solicitor, and shall have duly served under such indentures for and during the said term of five years.

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Persons having taken degrees at certain universities may be admitted after three years' service. 29 & 30 Vict. c. 84. s. 7.

12. Any person having taken the degree of bachelor of arts or bachelor of laws in the University of Dublin, Oxford, Cambridge, Durham, London, or the Royal University in Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws in any of the universities of Scotland (none of such degrees being honorary degrees), and who at any time after having taken such degree, and either before or after the commencement of this Act, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of *three years*.

Persons having been at the bar may be admitted after three years' service. 29 & 30 Vict. c. 84. s. 8.

13. Every person who either before or after the commencement of this Act has been called to the degree of utter barrister in Ireland, and has procured himself to be disbarred, and has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of *three years*.

Provision for admission of university graduates after four years' apprenticeship.

14. Every person who, after the commencement of his apprenticeship, and previous to his admission as a solicitor, has taken or shall take the degree of bachelor of arts in the University of Dublin, or in the Royal University of Ireland, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of *four years*.

Persons attending certain lectures and passing certain examinations in faculty of law during two collegiate years may be admitted after four years' service. 29 & 30 Vict. c. 84. s. 9.

15. Every person who, as a matriculated or as a non-matriculated student of the University of Dublin or of any of the Queen's Colleges in Ireland or the Royal University of Ireland, shall have attended or shall attend any prescribed lectures, and shall have passed or shall pass any prescribed examinations of the professors of the faculty of law in the said University of Dublin or in any of the Queen's Colleges in Ireland or in the Royal University of Ireland for a period of two collegiate years, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of *four years*. "Prescribed" in this section means prescribed by any regulations made by the Incorporated Law Society.

Persons having been bonâ fide clerks to solicitors for seven years may be admitted after three years' service.

16. Any person who, either before or after the commencement of this Act, shall for the term of *seven years* have been a bonâ fide clerk to a solicitor or solicitors, and during that term shall have been bonâ fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and performed by solicitors, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently

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23 & 24 Vict. c. 127. s. 4.

served as such clerk, and who, after the expiration of the said term of seven years, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of *three years*.

General exemptions from preliminary examination. 40 & 41 Vict. c. 25. s. 10.

17. A certificate of having passed a preliminary examination under this Act shall not be required from any person within the twelfth or thirteenth sections of this Act, or who has passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the open public matriculation examinations of the Universities of Dublin, London, or the Royal University of Ireland, or in any of the Queen's Colleges in Ireland, or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1849. The above exemption may be extended by regulations made under this Act to any persons who pass any examination held in any of the above-mentioned universities, or in any other university, college, or educational institution specified in such regulations.

Power of judges to grant special exemptions from preliminary examination. 40 & 41 Vict. c. 25. s. 11.

18. The Lord Chancellor, the Presidents of the Queen's Bench Division and the Exchequer Division of the High Court, and the Master of the Rolls, or any one or more of them may, where under special circumstances they or he see fit so to do, exempt any person from compliance with the enactments and regulations for the time being in force with respect to the preliminary examination, either entirely or partially, or subject to any such conditions as to them or him may seem fit.

In case solicitors become bankrupt or insolvent, or be imprisoned, indentures to be discharged or assigned. 29 & 30 Vict. c. 84. s. 6.

19. In case any solicitor to whom any apprentice shall be bound by indenture as aforesaid shall, before the end or determination of such contract, become bankrupt, or be imprisoned for debt and remain in prison for the space of *twenty-one days*, it shall be lawful for the Lord Chancellor, upon the application of such apprentice, to order and direct the said indentures to be discharged, or assigned to such person and upon such terms and in such manner as he shall think fit.

Disqualification of solicitor not to affect service

20. No person who shall have duly served his apprenticeship under indentures pursuant to the provisions of this Act shall be prevented or disqualified from being admitted and enrolled as a

solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the solicitor to whom he may have been bound by such indentures having been after such service struck off the roll, provided that such apprentice or person be otherwise entitled to be admitted and enrolled according to the provisions of this Act.

of apprentice. 29 & 30 Vict. c. 84. s. 39.

21. No person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the indentures of apprenticeship, or in the registry thereof, or in his service under such indentures, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment, provided that such indentures, registration, service, admission, or enrolment be without fraud.

Applications for striking solicitors off the roll for defect in indentures, &c. to be made within twelve months of admission. 29 & 30 Vict. c. 84. s. 40.

22. If any solicitor to whom any person shall be bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as a solicitor, or if such indentures shall by mutual consent of the parties be cancelled, or in case such apprentice shall be legally discharged before the expiration of such term by any rule or order of the Lord Chancellor, such apprentice may in any of the said cases be bound by other indentures or by an assignment of his former indentures to serve as apprentice to any other practising solicitor or solicitors during the residue of the said term; and service under such second or other indentures or under such assignment shall be deemed and taken to be good and effectual.

Apprentices whose masters have died or left off practice may enter into fresh indentures for the residue of their term. 29 & 30 Vict. c. 84. s. 16.

23. In the event of any apprentice requiring to have an assignment made of his indentures under the last preceding section, it shall be lawful for the Lord Chancellor, upon application being duly made by or on behalf of such apprentice, and upon being satisfied that a difficulty exists in procuring such assignment to be executed, to order that such indentures shall be transferred to such solicitor as to the Lord Chancellor may seem fit, and upon the making of any such order the said indenture shall be deemed and taken to be absolutely assigned in as full and ample a manner as if an assignment thereof had been duly executed by the person or persons legally entitled to assign the same.

Power to Lord Chancellor to order assignments under last section.

24.—(1.) The indentures whereby any person shall be bound to serve as an apprentice to a solicitor, and which have not been registered before the commencement of this Act, shall, within *six months* from the date of such indentures, be produced to the registrar, who on being satisfied of the due execution thereof shall enter in a book the names and addresses of the parties to, and the date of the indentures, and the date of the entry. The book in which

Indentures of apprenticeship to be registered by registrar. 51 & 52 Vict. c. 65. s. 7.

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the entries are made shall, during office hours, be open to inspection by any person without fee or reward.

(2.) The registrar may, before making any such entry as aforesaid, require the execution of any articles to be verified by a statutory declaration or otherwise as may be thought fit by the registrar.

Provision if indentures not registered within six months. 51 & 52 Vict. c. 65. s. 8.

(3.) If indentures of apprenticeship are not produced to the registrar for entry within *six months* of the date thereof, they may be subsequently produced and entered, but in that case the service of the apprentice shall be reckoned to commence from the date of the production for entry, unless the Lord Chancellor shall otherwise direct.

Provision where indentures lost. 2 & 3 Vict. c. 33.

(4.) In any case in which the indentures of apprenticeship shall have been lost before being produced to the registrar for entry, the Lord Chancellor may, upon being satisfied by such evidence as he shall think sufficient of the loss of the original indentures and that the duty has been duly paid thereon or upon a copy thereof, direct that the production of a copy thereof to the registrar shall be a sufficient compliance with the provisions of this section as to the production of indentures of apprenticeship.

51 & 52 Vict. c. 65. s. 9.

(5.) The provisions of this section with respect to the production and entry of indentures, apply to fresh indentures under the twenty-second section of this Act, in the same manner as they apply to the original indentures.

Apprentices before admission to make affidavit of having served. 29 & 30 Vict. c. 84. s. 18.

25.—(1.) Every person who has been or shall be bound as an apprentice as aforesaid shall, before he is admitted a solicitor according to this Act, prove, by an affidavit or statutory declaration of himself and of the solicitor to whom he was bound as aforesaid, to be duly made and filed with the registrar, or by such other evidence as shall be satisfactory to the Lord Chancellor, that he has actually and really served and been employed by such practising solicitor, and that he has not (save as herein-after provided) held any office or engaged in any employment whatsoever other than the employment of apprentice to such solicitor and his partner or partners in the business, practice, and employment of a solicitor during the whole time and in the manner required by the provisions of this Act.

Apprentices may hold offices or engage in employment in certain cases. 37 & 38 Vict. c. 68. s. 4.

(2.) Any person while so bound as aforesaid may hold any office or engage in any employment, provided that before or after he enters upon the office, or engages in the employment, he has applied for and obtained—

(*a.*) The consent thereto in writing of the solicitor to whom he is bound; and

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(*b.*) The sanction thereto of the Lord Chancellor, to be evidenced by his order.

Lord Chancellor's order.

(3.) Such order shall not be made except such person shall prove, by an affidavit from the solicitor to whom he is bound, or by such other evidence as shall be satisfactory to the Lord Chancellor, that the holding of such office, or being engaged in such employment, was with the consent of the solicitor to whom he was or is bound, and has not interfered with due service under his indentures of apprenticeship, and the Lord Chancellor shall have power to make any order which he shall think fit as to the service by the person so bound as aforesaid for the remainder of the term of his service, or any part thereof, after the acceptance of such office, or the engagement in such employment, or as to the passing of any examination.

Notice of application to be given to Incorporated Law Society.

(4.) Not less than *fourteen days* before any such application is made to the Lord Chancellor notice in writing of the application shall be given to the Incorporated Law Society by the applicant, which notice shall state the names and residences of the applicant, and of the solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

The Society may appear on the hearing of such application, and upon any other proceedings arising out of or in reference to the same.

Lord Chancellor may attach conditions to order. 37 & 38 Vict. c. 68. s. 5.

(5.) The Lord Chancellor may in and by such order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as he may think fit.

Proof of compliance with conditions. 37 & 38 Vict. c. 68. s. 6.

(6.) Where any terms or conditions shall be so imposed, and the person authorised by the order shall accept the office, or engage in the employment, he shall before being admitted a solicitor, prove to the satisfaction of the Lord Chancellor and of the Incorporated Law Society that he has duly observed and fulfilled those terms and conditions.

Certificate of having passed examinations requisite for admission of solicitor. 40 & 41 Vict. c. 25. s. 5.

26. Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, no person shall be admitted a solicitor unless he has obtained from the Incorporated Law Society a certificate or certificates to the effect that he has passed a preliminary, an intermediate, and a final examination, and has complied with such regulations as the Society under the provisions of this Act may from time to time prescribe.

Power for Lord Chancellor to admit, though

27. Where any person who has been bound by indentures of apprenticeship to serve as an apprentice to a solicitor has not served as an apprentice under such indentures strictly within the provisions

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service under indentures irregular. 40 & 41 Vict. c. 25. s. 15.

of this Act or of the Attorney and Solicitors Act (Ireland), 1866, while the same was in force, but subsequently to the execution of such indentures bonâ fide serves (either continuously or not) one or more solicitors as an apprentice for periods together equal in duration to the full term for which he was originally bound, and has obtained such certificates as he is required by this Act to obtain, it shall be lawful for the Lord Chancellor in his discretion, if he is satisfied that such irregular service was occasioned by accident, mistake, or some other sufficient cause, and that such service, though irregular, was substantially equivalent to a regular service, to admit such person to be a solicitor in the same manner as if such service had been a regular service within the meaning of the said Act or this Act.

Candidates not to present themselves for final examination till expiration of apprenticeship, unless where it expires in vacation. 29 & 30 Vict. c. 84. ss. 4 and 23.

28. No person bound by indentures of apprenticeship to serve as an apprentice to a solicitor shall present himself as a candidate at the final examination until after the expiration of the period for which, under the provisions of this Act, he is required to serve as such apprentice before being admitted a solicitor: Provided that whenever any of the periods of five, four, and three years' service mentioned in this Act expire in any vacation, then, and in such case, any person whose period of apprenticeship shall so expire shall be at liberty to present himself at the final examination which shall be held immediately preceding such vacation.

Exemption of certain barristers from intermediate examination and service under articles. 40 & 41 Vict. c. 25. s. 12.

29. Any person who has been called to the degree of utter barrister in Ireland, and is of not less than *five years'* standing at the bar, and has procured himself to be disbarred with a view of becoming a solicitor, and has obtained from two of the Benchers of the King's Inns a certificate of his being a fit and proper person to practise as a solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, and shall be entitled, without being bound or serving as an apprentice to a solicitor, on passing a final examination under this Act (except so much of such examination as relates to indentures of apprenticeship and service thereunder), to be admitted and enrolled as a solicitor.

Appeal to Lord Chancellor against refusal of certificate. 40 & 41 Vict. c. 25. s. 9.

30. Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to such refusal, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord Chancellor may from time to time direct.

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In the meantime, and until the Lord Chancellor otherwise directs, such petition shall be presented at the office of the secretary to the Lord Chancellor without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be heard by the Lord Chancellor on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as he may appoint.

On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination, on appeal to the Lord Chancellor, obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

Admission as solicitor by Lord Chancellor. 51 & 52 Vict. c. 65. s. 10.

31. A person who has obtained from the Incorporated Law Society a certificate of having passed a final examination may apply to the Lord Chancellor to be admitted as a solicitor, and thereupon the Lord Chancellor, unless cause to the contrary is shown to his satisfaction, shall, by writing under his hand, admit in such manner and form as he shall from time to time direct such person to be a solicitor.

Enrolment of persons admitted. 51 & 52 Vict. c. 65. s. 11.

32. On production of the admission signed by the Lord Chancellor, and on payment of the fee in the First Schedule to this Act mentioned, it shall be the duty of the Society, as registrar, to cause the name of the person admitted to be entered on the roll of solicitors.

Persons duly admitted capable of practising in all other courts on signing rolls of other courts. 51 & 52 Vict. c. 65. s. 38.

33. Every person who shall have been duly admitted a solicitor of the Supreme Court shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as a solicitor in any other court in Ireland, upon signing the roll of such other court, where any such roll exists, but not otherwise, and shall thereupon be entitled to practise as a solicitor therein: Provided always, that no additional fee besides those payable by virtue of this Act shall be demanded or paid.

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Admission of Colonial Solicitors.

Attorneys and solicitors of colonial courts to be admitted solicitors in Ireland. 20 & 21 Vict. c. 39. s. 3.

34.—(1.) Subject to the provisions in this section contained, all persons who, being subjects of the British Crown, have been, or shall hereafter be, duly admitted and enrolled as attorneys or solicitors in the superior courts in those of Her Majesty's colonies or dependencies where the system of jurisprudence is founded on or assimilated to the common law and principles of equity, as administered in England, and where full service under indentures of apprenticeship or articles of clerkship to an attorney or solicitor for the space of *five years* at the least, and an examination to test the qualification of candidates, are or may be required previous to such admission, save only in the case of persons previously admitted as solicitors in England or Ireland, shall, and may be, admitted and enrolled solicitors.

Conditions of such admission. 20 & 21 Vict. c. 39. s. 4. 37 & 38 Vict. c. 41. s. 1.

(2.) No person shall be qualified to be admitted a solicitor under this section unless he shall pass such examination to test his fitness and capacity as the Incorporated Law Society shall, by any rules or regulations made under this Act, prescribe, and shall produce at such examination a certificate from the presiding judge of the superior court of common law in the colony or dependency where such person shall have been duly admitted an attorney or solicitor in the form contained in the Second Schedule to this Act, or to the like effect, and shall further make a statutory declaration that he is resident in Ireland, and that he has ceased, for the space of twelve calendar months at the least, to practise as attorney or solicitor in any colonial court of law: Provided always, that when the person seeking to be admitted a solicitor under this section shall have been in actual practice for the period of *seven years* at the least in such colony or dependency, and shall have served under articles, and passed an examination previously to his admission as an attorney or solicitor in such colony or dependency, he shall not be required, before being admitted a solicitor under this section, to pass the examination herein-before by this section required, or to make a statutory declaration that he has ceased, for the space of *twelve calendar months*, to practise as attorney or solicitor in any colonial court of law.

Stamp on such admission. 20 & 21 Vict. c. 39. s. 6.

(3.) The admission of any person as a solicitor under this section shall be stamped with the stamps by law required to be impressed on the admission of solicitors in Ireland, and with such further stamp (if any) as shall, together with the amount of stamps paid on the indentures of apprenticeship or articles of clerkship, and admission

in the colony, be equal in amount to the sum by law payable for the time being on articles of apprenticeship in Ireland.

Only to apply to colonies specified in Order in Council. 20 & 21 Vict. c. 39. s. 7.

(4.) The provisions of this section shall apply to persons admitted as attorneys or solicitors in the superior courts in such colonies or dependencies only as Her Majesty may from time to time, by Order in Council, specify, provided that no colony or dependency shall be specified in any such order except upon application made by the governor of such colony or dependency, and until it shall be shown to the satisfaction of the Secretary of State for the Colonies that the system of jurisprudence, as administered in such colony or dependency, and the qualification for admission as attorney or solicitor in the superior courts thereof, answer to and fulfil the conditions herein-before in this section specified; and also that solicitors of the Supreme Court of Judicature in Ireland are admitted as attorneys and solicitors of the superior courts of such colony or dependency on production of their certificates of admission in Ireland, without service or examination in the colony or dependency.

Roll of Solicitors.

Transfer to Incorporated Law Society of roll of solicitors. 51 & 52 Vict. c. 65. ss. 5 and 6.

35.—(1.) The books containing the roll of solicitors, and any other documents relating thereto, heretofore in the custody of the clerk of the records and writs, shall, as soon as may be after the *passing of this Act*, be transferred to and be kept in the custody of the Incorporated Law Society as registrar of solicitors; and all affidavits, orders, and documents heretofore required to be filed or delivered at the office of such clerk shall henceforth be filed with or delivered to the Society; and all powers and duties of such clerk in relation to the roll of solicitors, or to solicitors, shall henceforth (subject to the repeals effected by and to the other provisions of this Act) be performed and exercised by the Society: Provided that the Lord Chancellor shall have and exercise all the powers and jurisdiction with regard to all the matters in this section mentioned which he had and might have exercised if this Act had not been passed.

(2.) The roll of solicitors shall, during office hours, be open to the inspection of any person, without fee or reward.

Striking off the Roll.

Constitution of committee.

36. For the purpose of hearing any application to strike a solicitor off the roll of solicitors, or an application to require a solicitor to answer allegations contained in an affidavit, the Lord

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51 & 52 Vict. c. 65. s. 12.

Chancellor shall appoint a committee of not less than three nor more than seven of the members of the council of the Society in this Act called "the committee."

The Lord Chancellor may from time to time remove any member from the committee, or fill any vacancy in the committee, or add to its number, provided that the number shall not exceed seven or be less than three.

No application shall be heard before less than three members of the committee.

Applications to be made to committee; report of committee. 51 & 52 Vict. c. 65. s. 13.

37. An application to strike the name of a solicitor off the roll of solicitors (whether at the instance of the solicitor himself or of any other person), or an application to require a solicitor to answer allegations contained in an affidavit, shall be made to and shall be heard by the committee, in accordance with regulations to be made under the authority of this Act.

The committee, after hearing the case, shall embody their finding in the form of a report to the Lord Chancellor, who shall make such order thereon as he shall think fit.

If the committee are of opinion that there is no primâ facie case of misconduct against the solicitor, the Society need not take any further proceedings; but if the committee are of opinion that there is a primâ facie case, it shall be the duty of the Society to bring the report of the committee before the Lord Chancellor.

The report shall have the same effect, and shall be treated by the Lord Chancellor in the same manner, as a report of a master of the court; and the Lord Chancellor may make such order thereon as he may think fit.

Provided that any person who but for this Act would have been entitled to apply to the court to strike a solicitor off the roll of solicitors, or to apply to require a solicitor to answer allegations contained in an affidavit, shall be entitled so to apply, although the committee is of opinion that there is no primâ facie case of misconduct against the solicitor, and shall be entitled to be heard if the Society brings the report of the committee before the Lord Chancellor.

Power to administer oaths, &c. 51 & 52 Vict. c. 65. s. 14.

38. The committee may administer and take oaths and affirmations for the purpose of an inquiry or any application made to them under this Act.

Order for striking solicitor off the roll to be entered on

39.—(1.) Where the name of any solicitor is ordered to be struck off the roll of solicitors on the application of the Society, it shall be the duty of the Society, as registrar, to enter a note or minute of such order in connexion with the name of such solicitor on the roll

of solicitors and on the register, and to strike such name off such roll and register.

the roll and register.

(2.) Where such order is made on the application of the solicitor himself, or of any other person not being the Society, such order shall forthwith, and before the same is acted upon, be produced to the registrar, who shall thereupon enter a note or minute thereof and strike the name of the solicitor off the roll and register in the same manner as in the preceding sub-section specified.

29 & 30 Vict. c. 84. s. 44.

Solicitors Certificates.

40. It shall be duty of the registrar of solicitors to keep an alphabetical roll or book or rolls or books of all solicitors, to be called the register of solicitors, and to issue certificates of persons who have been admitted and enrolled as solicitors when required so to do.

Register of solicitors to be kept.

29 & 30 Vict. c. 84. s. 28.

41. It shall not be lawful for the Commissioners of Inland Revenue or any of their officers, save as herein-after mentioned, to grant or issue to any person any stamp upon a certificate authorising such person to practise as a solicitor, but every person desiring to obtain such stamped certificate shall deliver to the said Commissioners or their proper officer, at the head office of Inland Revenue in Dublin, a certificate from such registrar as aforesaid that such person is a solicitor, and entitled to a stamped certificate, and such registrar's certificate shall be thereupon stamped with the proper amount of duty payable thereon, and shall have the same force and effect as the stamped certificate heretofore issued under the Attorneys and Solicitors Act (Ireland), 1866.

Commissioners of Stamps not to grant any certificate until registrar has certified that the person applying is entitled thereto.

29 & 30 Vict. c. 84. s. 30.

29 & 30 Vict. c. 84.

42. For the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, in the form in the Third Schedule to this Act, signed by such solicitor or by his partner, or by his Dublin agent, being a solicitor, on his behalf, containing his name and place of residence, and the court of which he is then admitted a solicitor, together with the sittings or term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, within six days after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the said roll of solicitors), deliver to the said solicitor, or to his agent as aforesaid, on demand, a certificate in the form set forth in the

On application for certificate a declaration to be signed and entered in a book.

29 & 30 Vict. c. 84. s. 31.

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Fourth Schedule to this Act annexed, and which last-mentioned certificate shall be delivered to the Commissioners of Inland Revenue as herein-before directed for the purpose of being stamped.

Registrar's certificates on payment of duty to be deemed the stamped certificates.
29 & 30 Vict. c. 84. s. 32.

43. The stamp duties chargeable on such certificates shall be denoted upon the registrar's certificates, and upon any such certificate being stamped accordingly, and the date of the payment of the duty certified by the proper officer by writing under his hand, or by other sufficient means, the same shall be and be deemed the proper stamped certificate required by law to be taken out by the solicitor named therein.

For obtaining certificate place of business to be deemed place of residence.
29 & 30 Vict. c. 84. s. 33.

44. The declaration required to be delivered to the registrar for the purpose of obtaining his certificate, and also the certificate to be granted thereon, shall specify the place or places where the solicitor by or for whom the certificate is required carries on his business.

The declaration on applying for the registrar's certificate to be in duplicate, and one copy to be left with the Commissioners.
29 & 30 Vict. c. 84. s. 34.

45. The declaration required to be made for the purpose of obtaining the registrar's certificate shall be made out and signed in duplicate, and one of such duplicates shall be delivered to and left with the registrar, and the other produced to him, and the duplicate so produced, together with the certificate granted on such declaration, shall be left with the Commissioners of Inland Revenue or their proper officer on applying to have the certificate stamped, and shall be and be deemed the note in writing required by law to be delivered to the Commissioners or their officer to entitle the solicitor to a stamped certificate; and for every such certificate issued by the registrar, and the previous requisite search and inquiry, there shall be paid to the registrar by such solicitor, his partner, or agent, the sum of *five shillings*.

On registrar's refusal application to be made to court.
29 & 30 Vict. c. 84. s. 35.

46. In case the registrar shall decline or neglect to issue such certificate as he is herein-before required to give, the solicitor applying for the same may, on giving six clear days' notice to the registrar, apply to the Lord Chancellor, who shall make such order in the matter as shall be just.

Certificate to be entered with the registrar, the Commissioners to supply particulars when stamped.

47. For the purpose of enabling the registrar to enter upon the register of solicitors kept by him a note or minute of the time of stamping every certificate, the Commissioners of Inland Revenue shall, whenever the same shall be required after the *sixth day of February* in every year, furnish to the registrar an account of the certificates issued between the *sixth day of February* and the *fifth*

day of January preceding for which during the same period the stamp duties have been paid, specifying the names and places of business of the parties respectively to or for whom the same have been issued, and the dates of payment of the stamp duties; or in lieu of such account the Commissioners at their option shall return to the registrar the aforesaid duplicate declarations to which such certificates relate, with a note or memorandum on each of them specifying the date of payment of the stamp duty for the certificate, and the registrar shall, upon such account being furnished, or such duplicate declarations being returned to him as aforesaid, enter such note or minute as aforesaid; and in order that such entry may be made in respect of certificates stamped at any other time, every such last-mentioned certificate shall, within one month after payment of the duty, be produced to the registrar, who shall thereupon make such entry, and signify the same by a note or memorandum upon the certificate; and every such last-mentioned certificate which shall not be so produced within the said period shall have effect only as a qualification to practise from the time when it shall be produced: Provided that it shall be lawful for the Lord Chancellor at any time to make an order directing that any certificate not so produced shall have effect upon and from the time of stamping the same or any subsequent period.

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29 & 30 Vict. c. 84. s. 41.

48. Every certificate issued by the registrar between the *fifth day of January* and the *sixth day of February* in any year shall bear date on the *sixth day of January*, and shall take effect on that day for all purposes, provided it be stamped before the *sixth day of February*, and in every such case the *fifth day of January* shall, for the purpose of this Act, be deemed to be the date of the payment of the duty; but if such certificate be not so stamped it shall take effect, as regards the qualification to practise, on the day on which it is stamped; and every certificate issued at any other time shall bear date on the day on which it is issued, and, subject to the provisions herein contained relating to certificates stamped after the *fifth day of January* in any year, and not produced within a month to be entered by the registrar, shall take effect as regards such qualification on the day on which it is stamped; and every certificate shall be and continue in force from the day on which it shall take effect as aforesaid until the *fifth day of January* next following inclusive, and no longer.

Date and determination of certificate.

29 & 30 Vict. c. 84. s. 42.

49. If a solicitor, who has obtained the registrar's certificate entitling him to practise, neglects for *twelve months*, after the

Jurisdiction as to renewal

of annual certificate. 51 & 52 Vict. c. 65. s. 16.

expiration of such certificate to obtain a fresh certificate, and subsequently applies for a fresh certificate, it shall be in the discretion of the registrar to grant or refuse the application, subject to an appeal to the Lord Chancellor, who may affirm the decision of the registrar, or may direct the registrar to issue a certificate to the appellant on such terms and conditions (if any), as he may think fit.

Notice of the intention to make the application must be given to the registrar at least *six weeks* before the application is actually made, unless such notice is dispensed with by the registrar or by the Lord Chancellor.

No costs recoverable by unqualified person. 37 & 38 Vict. c. 68. s. 12.

50. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a solicitor without having previously obtained a stamped certificate, which shall then be in force, shall be recoverable in any action, suit, or matter by such person or any other person or persons whomsoever.

Fees.

Fees payable to Incorporated Law Society. 40 & 41 Vict. c. 25. s. 8.

51. The persons specified in the First Schedule to this Act shall pay to the Incorporated Law Society such fees as are specified in that schedule or such other fees as may from time to time be determined by regulations to be made under this Act.

All expenses to be from time to time incurred by the Society with reference to examinations, and with reference to the lectures, classes, and other teaching provided by the Society from time to time for persons bound or about to be bound under indentures of apprenticeship to solicitors shall be paid by the Society out of such fees.

No fees to be payable by apprentices, &c., other than those authorised by this Act. 29 & 30 Vict. c. 84. s. 49.

52. From the commencement of this Act no fees other than those specified in the said First Schedule to this Act, or such other fees as may be authorised by regulations so to be made in pursuance of this Act, shall be payable by any person seeking to be bound as an apprentice as aforesaid, or by any person seeking to be admitted and enrolled as a solicitor of the Supreme Court.

Penalties.

Solicitors not to act for unqualified persons, &c. 6 & 7 Vict. c. 72. s. 32.

53. If any solicitor shall wilfully and knowingly act as agent in any action, suit, or matter for any person not duly qualified to act as a solicitor, or permit or suffer his name to be anyways made use of in any action, suit, or matter, upon the account, or for the profit

of any unqualified person, or send any process to such unqualified person, or do any act thereby to enable such unqualified person to appear, act, or practise in any respect as a solicitor in any action, suit, or matter, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any Divisional Court of the High Court, or any judge thereof, and proof made thereof upon oath to the satisfaction of such court or judge, that such solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such solicitor so offending may be struck off the roll, and for ever after disabled from practising as a solicitor, or may be suspended from practising as a solicitor for such time as to such court shall seem fit and proper, and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the court or judge to commit such unqualified person so acting or practising as aforesaid to prison for any term not exceeding *one year*.

Penalty for wrongfully acting as a solicitor. 29 & 30 Vict. c. 84. s. 46.

54. Any person who acts as a solicitor without being duly qualified so to act shall be deemed guilty of a contempt of the court in which the action, suit, or matter in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall in addition to any other penalty or forfeiture, forfeit and pay for every such offence to the Incorporated Law Society the sum of *fifty pounds*, to be recovered, with full costs of suit, by action brought, with the sanction of Her Majesty's Attorney-General in the name of the Incorporated Law Society, in the High Court of Justice.

Penalty for wrongfully acting as a solicitor. 37 & 38 Vict. c. 68. s. 12.

55. Any person who wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is duly qualified to act as a solicitor, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding the sum of *ten pounds* for each offence.

Any offence under this section may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Miscellaneous Provisions.

Provision as to admission to offices of solicitors who have been barristers. 23 & 24 Vict. c. 127. s. 16.

56. In every case where by statutory provision or by custom the qualification of a solicitor to hold any office is his having been admitted and enrolled as a solicitor a prescribed period, every person who either before the *passing of this Act* has been or hereafter shall be called to the degree of utter barrister in Ireland, and also having been subsequently disbarred, has been admitted and enrolled as a solicitor, shall, in lieu of such qualification as aforesaid, be qualified

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to hold any such office on the completion of the prescribed period, to be reckoned from the date of such person being called to the degree of an utter barrister in Ireland.

Council of Incorporated Law Society may act on behalf of Society. 40 & 41 Vict. c. 25. s. 19.

57. All rules and regulations, acts, matters, and things respectively authorised or required to be made or done by the Incorporated Law Society, under or in pursuance of this Act, or under any rules and regulations made in pursuance hereof, may be made or done by the council for the time being of the Society on behalf of the Society.

Authentication of regulations and other documents. 40 & 41 Vict. c. 25. s. 20.

58. All rules, regulations, certificates, notice, and other documents made or issued by the Incorporated Law Society for any purpose whatever may be in writing or print, or partly in writing and partly in print, and may be signed on behalf of the Society by the secretary, or by such other officer or officers of the Society as may be from time to time prescribed by the council, and the production of a copy of any such rules, regulations, certificates, notice, or other documents purporting to be signed by the secretary or other officer of the Society shall be primâ facie evidence of the due making thereof.

Rules as to procedure before committee, and for carrying Act into execution.

59. The Lord Chancellor, the Presidents of the Queen's Bench Division and Exchequer Division of the High Court, the Master of the Rolls, and President of the Incorporated Law Society, or any three of them, of whom the Lord Chancellor shall be one, may make and from time to time alter and revoke rules and regulations for regulating the making, hearing, and determining applications to the committee of the Society under this Act, and reports by the committee to the court under this Act, and generally for the purpose of the execution of the provisions of this Act (except the provisions in respect of which the power of making rules and regulations is expressly given by this Act to the Incorporated Law Society alone), and the production of a copy of such rules and regulations purporting to be signed by the Lord Chancellor, shall be primâ facie evidence of the due making thereof.

Act not to extend to examination, &c. of solicitors to public departments. 29 & 30 Vict. c. 84. s. 50.

60. This Act shall not extend, or be construed to extend, to the examination, swearing, admission, or enrolment, or any rights or privileges of any persons appointed to be solicitors to the Treasury, Customs, Inland Revenue, Post Office, or any other branch of Her Majesty's Revenue, or to the solicitor to the Board of Admiralty, or to the solicitor to the War Department, or to affect the provisions of section two hundred and seventy-three of the Customs Consolidation Act, 1876, or of section twenty-seven of the Inland Revenue Regulation Act, 1890.

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Construction of enactments referring to attorneys.

61. All enactments referring to attorneys which are in force immediately after the commencement of this Act shall be construed as if the expression "solicitor of the Supreme Court of Judicature in Ireland" were therein substituted for the expression "attorney."

40 & 41 Vict. c. 25. s. 21.

Substitution of provisions of the Act for repealed provisions.

62. Where in any Act or document any provisions of the Attorneys and Solicitors (Ireland) Act, 1866, which are repealed by this Act, are mentioned or referred to, such Act or document shall be read as if the provisions of this Act applicable to purposes the same or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions, and were substituted for the same.

Existing jurisdiction of Lord Chancellor and Judges reserved.

63. The Lord Chancellor or any Judge of the High Court of Justice may, notwithstanding anything in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not passed.

Temporary Provision and Repeal.

Temporary provision as to examinations.

40 & 41 Vict. c. 25. s. 22.

64. All persons who before this Act comes into operation have passed a preliminary, but have not passed a final, examination under the enactment hereby repealed, shall be deemed respectively to have passed a preliminary examination under this Act, and all persons who have passed a final examination under the said enactment and regulations made thereunder, but have not been admitted, shall be deemed to have passed a final examination under this Act.

Repeal of 29 & 30 Vict. c. 84.

65. The Attorneys and Solicitors Act (Ireland), 1866, is hereby repealed as from the *first day of January one thousand eight hundred and ninety-five.*

A.D. 1894.

FIRST SCHEDULE to which this Act refers.

Sections 30, 31.

	£	s.	d.
1. Fee to be paid to the Incorporated Law Society by each person on lodgment of his petition for leave to be bound apprentice to a solicitor - - - - - - - -	8	3	0
2. Fee to be paid to the Society by each apprentice on the entry of his indentures by the registrar - - - - -	0	5	0
3. Fee to be paid to the Society by each apprentice on his application for permission to attend the final examination for admission as a solicitor - - - - - -	10	0	0
4. And for each attendance at a preliminary or final examination after the first - - - - - - -	1	1	0
5. Fee to be paid to the Society by each solicitor on the entry of his name on the roll of solicitors - - - -	5	5	0

SECOND SCHEDULE to which this Act refers.

To all whom it may concern, I [name and style of judge] do hereby certify that [terms of certificate of admission granted to the attorney or solicitor in the colony], and that the said [name of attorney or solicitor] is now duly enrolled as an attorney and solicitor in this colony, and entitled to practise as such; and further, that no charge or accusation has been established or is pending against the said [ ] in such his professional character or otherwise affecting his fair fame and repute, and I find that the sum of £ was paid on indentures of apprenticeship [or articles of clerkship] when the said was apprenticed [or articled], and the sum of £ on the certificate of admission when he was admitted to practise as aforesaid. [To be signed and attested and otherwise authenticated in the manner usual in other certificates granted by the judge.]

THIRD SCHEDULE to which this Act refers.

Form of Annual Declaration for obtaining the Registrar's Certificate.

No.

I hereby declare, that I (*or A.B.*) was admitted a solicitor of the Court of in sittings or term in the year and that my (*or* his) place or places of business are as follows:

Dated this 18

A.B. (*or C.D.*) Partner (*or* Dublin Agent) of the said *A.B.*

To

The Registrar of Solicitors in Ireland.

FOURTH SCHEDULE to which this Act refers.

A D. 1894.

Form of Registrar's Certificate.

Pursuant to the Solicitors (Ireland) Act, 1894, the Incorporated Law Society, as the registrar of solicitors appointed under the said Act, hereby certify that

solicitor, whose place (*or* places) of business is (*or* are) at

hath this day delivered and left with the secretary of the said Society a declaration in writing signed by the said solicitor (*or* by his partner, *or* by his Dublin agent on his behalf, *as the case may be*), containing his name and place or places of business, together with the sittings or term and year in or as of which he was admitted a solicitor; and the said Society (as the registrar) hereby further certify that the said solicitor is duly enrolled a solicitor of the Supreme Court of Judicature in Ireland, and is entitled to practise as such solicitor upon this certificate being duly stamped as required by law.

Given under the hand of the secretary of the Incorporated Law Society (as such registrar) this day of 18 .

} *Secretary.*

Solicitors (Ireland) (No. 2).

A

B I L L

To amend and consolidate the Laws relating to Solicitors and to the service of Indentured Apprentices in Ireland.

(*Prepared and brought in by Mr. Carson, Sir Albert Rollit, Mr. O'Neill, Mr. Maurice Healy, Mr. William Kenny, Mr. Barton, Mr. O'Keefe, and Mr. Macartney.*)

Ordered, by The House of Commons, *to be Printed*, 3 *April* 1894.

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[Bill 133.]

Sport Regulation Bill.

MEMORANDUM.

This Bill aims at the abolition of the various forms of so-called sport, the distinguishing mark of which is that the animal which is the object of the sport, though nominally wild, is in fact kept in confinement and released for the immediate purpose of the sport. The Bill does not apply to any form of sport which is concerned with really wild animals.

The Cruelty to Animals Acts, 1849 and 1854, with the exception of a section which relates to fighting and baiting animals, apply exclusively to domestic animals. At present the animals which this Bill is intended to protect enjoy no legal protection whatever from any kind of cruelty.

A

B I L L

TO

Prohibit the Hunting, Coursing, and Shooting of Animals kept in Confinement. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prohibition of hunting, coursing, and shooting of animals kept in confinement.

1.—(1.) Any person who either—

(*a*) takes part or assists in the hunting, coursing, or shooting of any animal which has been kept in confinement, and is released for the purpose of such hunting, coursing, or shooting; or

(*b*) keeps or uses, or assists in the management of any place for the purpose of such hunting, coursing, or shooting, or permits any place to be so used,

shall be liable, on conviction in manner provided by the Summary Jurisdiction Acts, to a penalty not exceeding *twenty pounds* for each day on which he commits such offence.

(2.) Any person who receives money for the admission of any other person to any place kept or used for the purpose aforesaid shall be deemed to be the keeper of that place.

(3.) This Act shall not apply to the shooting of any bird which has been released before the day when such shooting takes place.

Short title.

2. This Act may be cited as the Sport Regulation Act, 1894.

Sport Regulation.

A

B I L L

To prohibit the Hunting, Coursing, and Shooting of Animals kept in Confinement.

(*Prepared and brought in by Mr. Alpheus Morton, Mr. Barran, Mr. John Burns, Mr. Diamond, Major-General Goldsworthy, Major Jones, Mr. Macdonald, Mr. E. J. C. Morton, Mr. Schwann, and Mr. Angus Sutherland.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 101.]

A

B I L L

INTITULED

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. A.D. 1894.

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in that schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary. Enactments in First Schedule repealed.

Provided as follows:

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment

A.D. 1894.

hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

Application of repealed enactments in local courts.

2. If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Restricted and substituted repeals. 3 & 4 Vict. c. 108. 55 & 56 Vict. c. 19. (S.L.R.)

3.—(1.) The repeal of section seven and parts of sections six and eight of the Municipal Corporations (Ireland) Act, 1840, by the Statute Law Revision Act, 1892, shall not apply to the town of Galway.

(2.) The Second Schedule to this Act shall be substituted for so much of the Statute Law Revision (No. 2) Act, 1888, and the Statute Law Revision Act, 1892, as relates to the Acts mentioned in that schedule, and the said Statute Law Revision Acts shall be read and construed accordingly. A.D. 1894.

Omission of enacting words in revised statutes.

4. In any revised edition of the statutes published by authority the words "Be it enacted by the Queen's most Excellent Majesty, "by and with the advice and consent of the Lords Spiritual and "Temporal, and Commons, in this present Parliament assembled, "and by the authority of the same, as follows," or any words to the same effect occurring in any Act, may be omitted.

Short title.

5. This Act may be cited as the Statute Law Revision Act, 1894.

A.D. 1894.

NOTE.

The entries in italics in the third column of the First Schedule, with this Note, are intended to be struck out at a late stage of the Bill.

The schedule is intended to comprise (*as the preamble to the Bill states*) *enactments which have* ceased to be in force, *otherwise than by express specific repeal, and also such parts of titles, preambles, recitals, and enacting words as are intended to be omitted in future editions of the Statutes under the authority of the Bill.*

I.—*For the purposes of the schedule six different classes of enactments are considered as having* ceased to be in force, *although not expressly and specifically repealed; namely, such enactments as are—*

1. Expired.—*that is, enactments which, having been originally limited to endure only for a specified period, by a distinct provision, have not been either perpetuated or kept in force by continuance, or which have merely had for their object the continuance of previous temporary enactments for periods now gone by effluxion of time:*
2. Spent.*—*that is, enactments spent or exhausted in operation by the accomplishment of the purposes for which they were passed, either at the moment of their first taking effect, or on the happening of some event, or on the doing of some act authorised or required:*
3. Repealed in general terms.—*that is, repealed by the operation of an enactment expressed only in general terms, as distinguished from an enactment specifying the Acts on which it is to operate:*
4. Virtually repealed.—*where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one:*
5. Superseded.—*where a later enactment effects the same purposes as an earlier one, by repetition of its terms or otherwise:*
6. Obsolete.—*where the state of things contemplated by the enactment has ceased to exist, or the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or social circumstances.*

II.—*Where any enactment is comprised in the schedule on any ground not above explained, the ground of repeal sufficiently appears from the expressions used in the third column.*

III.—*The ground for the proposed repeals of enacting words and omission of preambles and recitals is, in every case, that those words, preambles, and recitals, are not necessary for the effect or construction of every enactment; accordingly no special mention is made in the third column of the schedule whenever this is the reason for any proposal.*

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* *As to the use of the term* spent, *see* 1 *Blackst. Comm.* 44 (*14th ed.*), *2nd Report of the late Statute Law Commissioners, p.* 7, *and Warren v. Windle,* 3 *East,* 205.

SCHEDULES.

FIRST SCHEDULE.

Reign and Chapter.	Title.	Remarks.
26 Geo. 3. c. 40.	An Act the title of which begins with the words "An Act for regulating" and ends with the words "of Goods." In part; namely,—	
	Section nineteen, to "and that," from "under the hands" to "Ireland or" and from "any law" to the end of the section.	*Parts of s.* 19 *in col.* 2 *obsolete.*
43 Geo. 3. c. 143.	An Act the title of which begins with the words "An Act for the" and ends with the word "respectively." In part; namely,—	
	The whole Act, except section six.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
50 Geo. 3. c. 102.	An Act the title of which begins with the words "An Act for the more" and ends with the word "Cases." In part; namely,—	
	Section ten.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
55 Geo. 3. c. 90. -	An Act the title of which begins with the words "An Act to explain" and end with the words "and others."	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
4 Geo. 4. c. 87. -	An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland." In part; namely,—	
	Section ten.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
6 Geo. 4. c. 81. -	The Excise Licenses Act, 1825. In part; namely,—	
	Section thirty-two.	*Sup.* 51 & 52 *Vict. c.* 8. *s.* 8.
10 Geo. 4. c. 50. -	The Crown Lands Act, 1829. In part; namely,—	
	Section one hundred and twenty-five, from "within thirty" to "Parliament."	*Virt. rep.* 11 & 12 *Vict. c.* 102. *s.* 8.
11 Geo. 4. & 1 Will. 4. c. 64.	The Beerhouse Act, 1830. In part; namely,—	
	Section twenty-eight.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.

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Reign and Chapter.	Title.	Remarks.
2 & 3 Will. 4. c. 108.	The Special Constables (Ireland) Act, 1832. In part; namely,— Section nineteen.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
3 & 4 Will. 4. c. 90.	The Lighting and Watching Act, 1833. In part; namely,— Section sixty-eight.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
6 & 7 Will. 4. c. 37.	The Bread Act, 1836. In part; namely,— Section twenty-nine.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
1 & 2 Vict. c. 28. -	The Bread (Ireland) Act, 1838. In part; namely,— Sections twenty-five and twenty-six.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
1 & 2 Vict. c. 56. -	The Poor Relief (Ireland) Act, 1838. In part; namely,— Section one hundred and thirteen.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
1 & 2 Vict. c. 82.	The Parkhurst Prison Act, 1838. In part; namely,— Section sixteen.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
2 & 3 Vict. c. 71. -	The Metropolitan Police Courts Act, 1839. In part; namely,— Section fifty-two.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
3 & 4 Vict. c. 91. -	An Act the title of which begins with the words "An Act for the more" and ends with the word "wages." In part; namely,— Section thirty-two.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840. In part; namely,— Section two hundred and four.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
5 & 6 Vict. c. 24.	The Dublin Police Act, 1842. In part; namely,— Sections seventy-four and seventy-five.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
5 & 6 Vict. c. 89.	The Drainage (Ireland) Act, 1842. In part; namely,— Sections one hundred and forty and one hundred and forty-one.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.
5 & 6 Vict. c. 106.	The Fisheries (Ireland) Act, 1842. In part; namely,— Section one hundred and ten.	*Virt. rep.* 56 & 57 *Vict.* c. 61. *s.* 2.

Reign and Chapter.	Title.	Remarks.
5 & 6 Vict. c. 123.	The Private Lunatic Asylums (Ireland) Act, 1842.	
	In part; namely,—	
	Section forty-eight.	*Virt. rep. 56 & 57 Vict. c. 61. s. 2.*
6 & 7 Vict. c. 37.	The New Parishes Act, 1843.	
	In part; namely,—	
	Section four, the words "for England."	*Sup. Interp. Act.*
6 & 7 Vict. c. 77.	The Welsh Cathedrals Act, 1843.	
	In part; namely,—	
	Section twelve, the words "for England."	*Sup. Interp. Act.*
6 & 7 Vict. c. 91.	The Charitable Loan Societies (Ireland) Act, 1843.	
	In part; namely,—	
	Section sixty-one.	*Virt. rep. 56 & 57 Vict. c. 61. s. 2.*
7 & 8 Vict. c. 31.	An Act for the warehousing of foreign goods for home consumption at the borough of Manchester in the county of Lancaster.	*Spent.*
7 & 8 Vict. c. 56.	The Church Building (Banns and Marriages) Act, 1844.	
	In part; namely,—	
	Section six, the words "for England."	*Sup. Interp. Act.*
7 & 8 Vict. c. 83.	The Savings Banks Act, 1844.	
	In part; namely,—	
	Section one, the words "of the Governor "and Company."	*Sup. Interp. Act.*
7 & 8 Vict. c. 95.	The Salmon Fisheries (Scotland) Act, 1844.	
	In part; namely,—	
	Section one, the words "from and after "the passing of this Act."	*Spent.*
7 & 8 Vict. c. 106.	The County Dublin Grand Jury Act, 1844.	
	In part; namely,—	
	Section four, the words "present Secretary of the Grand Jury or any," and "thereafter."	*S. 155 virt. rep. 56 & 57 Vict. c. 61. s. 2.*
	Section one hundred and fifty-five.	*Rest spent.*
8 & 9 Vict. c. 16.	The Companies Clauses Consolidation Act, 1845.	
	In part; namely,—	
	Section one hundred and forty-one.	*Virt. rep. 56 & 57 Vict. c. 61. s. 2.*
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act, 1845.	
	In part; namely,—	
	Section fifteen, the words "Commissioners of Her Majesty's," and from "of the "United" to "three of them."	*Sup. Interp. Act.*

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
8 & 9 Vict. c. 37.	The Bankers (Ireland) Act, 1845. In part; namely,— Section seven, the words "to make and "subscribe the aforesaid declaration "nor."	*Virt. rep. by repeal made by S. L. R. Act*, 1892.
8 & 9 Vict. c. 70.	The Church Building Act, 1845. In part; namely,— The words "for England" wherever they occur in sections four and seventeen.	*Sup. Interp. Act.*
8 & 9 Vict. c. 109.	The Gaming Act, 1845. In part; namely,— Sections twenty-two and twenty-three.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
9 & 10 Vict. c. 3.	An Act the title of which begins with the words "An Act to encourage" and ends with the word "Works." In part; namely,— Sections eighty and eighty-one.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
9 & 10 Vict. c. 101.	The Public Money Drainage Act, 1846. In part; namely,— Section twenty, the words "or chief remembrancer."	*Virt. rep. by repeals made by S.L.R. Act*, 1891.
10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act, 1847. In part; namely,— Section fifty-one. Section fifty-five, the words "or ward."	*S.* 51 *virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2. *Pt. of s.* 55 *obsolete.*
10 & 11 Vict. c. 15.	The Gasworks Clauses Act, 1847. In part; namely,— Section thirty-nine. Section forty-two, the words "or ward."	*S.* 39 *virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2. *Pt. of s.* 42 *obsolete.*
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847. In part; namely,— Section one hundred and five, the words "or ward."	*Obsolete.*
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847. In part; namely,— Section eighty-four. Section eighty-seven, the words "or ward."	*S.* 84 *virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2. *Pt. of s.* 87 *obsolete.*

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
10 & 11 Vict. c. 27.	The Harbours, Docks, and Piers Clauses Act, 1847. In part; namely,—	
	Section ninety-one.	*S.* 91 *virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
	Section ninety-four, the words "or ward."	*Pt. of s.* 94 *obsolete.*
10 & 11 Vict. c. 31.	The Poor Relief (Ireland) Act, 1847. In part; namely,—	
	Section twelve, the words "after the passing of this Act."	*Spent.*
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847. In part; namely,—	
	Section fifty.	*S.* 50 *spent, and does not apply to remaining turnpike trust.*
	Section two hundred and nine.	*S.* 209 *virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act, 1847. In part; namely,—	
	Section sixty-one.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
10 & 11 Vict. c. 69.	The House of Commons' Costs Taxation Act, 1847. In part; namely,—	
	The word "attorney" wherever it occurs in sections two and eight.	*Sup. by Jud. Acts.*
	Section four the word "attornies."	
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847. In part; namely,—	
	Section fifty-eight, from "whose evidence" to the end of the section.	*S.* 58 *as to pt. in col.* 2 *sup.* 14 & 15 *Vict. c.* 99. *s.* 2.
	Section seventy-two.	*S.* 72 *virt. rep.* 56 & 57 *Vict. c.* 61 *s.* 2.
10 & 11 Vict. c. 98.	An Act to amend the law as to Ecclesiastical Jurisdiction in England. In part; namely,—	
	Section two.	*Spent.*
	Section nine, the words "who shall have been," from "after the passing" where those words first occur to "of this Act," and the word "hereafter" twice occurring.	*No returns since* 1859.
10 & 11 Vict. c. 100.	An Act, the title of which begins with the word "An Act to regulate" and ends with the word "Police." In part; namely,—	
	Section eight, the word "said" and from "anything" to the end of the section.	*Falls with repeal of s.* 29 *of* 2 & 3 *Vict. c.* 75.
10 & 11 Vict. c. 108.	The Ecclesiastical Commissioners Act, 1847. In part; namely,—	
	The words "for England" in the preamble and in section one.	*Sup. Interp. Act.*

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
10 & 11 Vict. c.112.	An Act the title of which begins with the words "An Act to promote" and ends with the word "Company."	*S.* 19 *spent; rest already repealed.*
10 & 11 Vict. c.114.	An Act for improving the harbour and docks of Leith.	*Spent.*
11 & 12 Vict. c. 41.	An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in Ireland.	*Virt. rep. by Irish Church Act.*
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848. In part; namely,— Section fifteen to "respectively; and."	*Virt. rep. & sup.* 14 & 15 *Vict. c.* 99, *s.* 2; 16 & 17 *Vict. c.* 83. *s.* 1.
11 & 12 Vict. c. 44.	The Justices Protection Act, 1848. In part; namely,— Sections eight and nine. Section ten, the word "such" where it first occurs.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
11 & 12 Vict. c. 76.	An Act the title of which begins with the words "An Act to enable" and ends with the words "certain cases."	*Virt. rep. by Irish Church Act.*
11 & 12 Vict. c. 78.	The Crown Cases Act, 1848. In part; namely,— Section six, the words "at the discretion of the court" where they first occur, "beyond the seas," and from "or to be imprisoned" to the end of the section.	*Virt. rep. Penal Servitude Act*, 1891.
11 & 12 Vict. c. 83.	An Act the title of which begins with the words "An Act to confirm" and ends with the word "Lancaster." In part; namely,— Section seven, from "established by" to the end of the section.	*Sup.* 51 & 52 *Vict. c.* 43. *s.* 187.
11 & 12 Vict. c. 88.	The Post Office (Money Orders) Act, 1848. In part; namely,— Section three, the words "hereafter" "either heretofore granted or issued or to be" and "have been or." Section four, the words "at the discretion of the court either" "beyond the seas" and from "or be" to the end of the section.	*Pt. of s.* 3 *in col.* 2 *spent.* *Pt. of s.* 4 *virt. rep. & sup. Penal Servitude Act*, 1890.
11 & 12 Vict. c. 91.	The Poor Law Audit Act, 1848. In part; namely,— Section two, the words "or attorney."	*Spent.*

Reign and Chapter.	Title.	Remarks.
11 & 12 Vict. c. 102.	An Act the title of which begins with the words "An Act to enlarge" and ends with the word "Woods." In part; namely,— Section eight from "instead of" to "Parliament" where it next occurs.	*Spent.*
11 & 12 Vict. c. 103.	An Act the title of which begins with the words "An Act to authorize" and ends with the word "Asylum."	*Spent.*
11 & 12 Vict. c. 118.	An Act the title of which begins with the words "An Act to explain" and ends with the word "Kingdom." In part; namely,— Section two, from "anything in any" to the end of the section.	*Spent on repeal of Acts referred to.*
12 & 13 Vict. c. 16.	The Justices Protection (Ireland) Act, 1849. In part; namely,— Section eleven.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
12 & 13 Vict. c. 18.	The Petty Sessions Act, 1849. In part; namely,— Section two, the words "where at present there are not, or."	*Spent.*
12 & 13 Vict. c. 21.	An Act the title of which begins with the words "An Act to confirm" and ends with the words "said Town."	*Spent.*
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849. In part; namely,— Title, the words "General and" and "of the Peace." The words "general or" wherever they occur, and the words "of the peace" wherever they occur after "sessions." Section eighteen, the words "either in term or vacation."	*As to Qu. Sessions see Interp. Act.* *S.* 18 *as to pt. in col.* 2, *virt. rep. by Jud. Act.*
12 & 13 Vict. c. 46.	An Act to facilitate the union of Turnpike Trusts.	*Partly rep.* 38 & 39 *Vict. c.* 66. (*S.L.R.*) *Rest falls with expiration of trusts.*
12 & 13 Vict. c. 53.	The Solicitors (Ireland) Act, 1849. In part; namely,— The words "attorney or" wherever they occur, and in section four the words "attorney's or."	*Sup. Jud. Act*, 1877, *s.* 78.
12 & 13 Vict. c. 55.	An Act the title of which begins with the words "An Act to abolish" and ends with the words "Jury Cess."	*Spent.*
12 & 13 Vict. c. 59.	The Landed Property Improvement (Ireland) Act, 1849. In part; namely,— Section six, from "under an Act" to "Ireland, or" and the word "other."	*Falls with repeal of* 12 & 13 *Vict. c.* 23.

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Reign and Chapter.	Title.	Remarks.
13 & 14 Vict. c. 60. —*cont.*	Section forty-one, the words "for the said Court or" occurring twice, and "before the said Court or."	
	Section forty-two, the words "the Court or."	
	Sections forty-three and forty-four.	
	Section forty-five, the word "said" where it first occurs.	
	Section fifty-one, the words "and the Court of Chancery" and "or Court."	
	Section fifty-three, the words "or to the Court of Chancery" and "or the said Court of Chancery."	
	Section fifty-six.	
	Section fifty-seven, the words "of Great Britain" and from "in like manner" to "as aforesaid."	
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	
	In part; namely,—	
	Section sixty-five, the words "of a price after the rate contained" twice occurring.	*Virt. rep. by repeal of Schedules.*
	Section one hundred and seventeen, the words "and the schedules thereto annexed."	
13 & 14 Vict. c. 79.	The Annual Turnpike Acts Continuance Act, 1850.	*Spent on expiration of trusts.*
13 & 14 Vict. c. 81.	An Act the title of which begins with the words "An Act to explain" and ends with the word "Dublin."	
	In part; namely,—	
	Preamble to "of the last session" and from "and whereas it is" to "same that"	*Spent.*
	Section two.	
13 & 14 Vict. c. 84.	An Act, the title of which begins with the words "An Act to enable" and ends with the words "of Duty."	*Spent.*
13 & 14 Vict. c. 94.	The Ecclesiastical Commissioners Act, 1850.	
	In part; namely,—	
	The words "for England" in sections eight and fifteen.	*Spent.*
	Section nineteen, from "after the tenth" to "fifty" and the words "after the said tenth day of April."	
	Section twenty, from "but that no" to the end of the section.	
	Section twenty-five, to "possession thereof."	
13 & 14 Vict. c. 101.	The Poor Law Amendment Act, 1850.	
	In part; namely,—	
	Section eight, from "to alter and amend" to "at a time."	*Part of title of* 55 *Geo.* 3. *c.* 137. *is rep.*

Reign and Chapter.	Title.	Remarks.
13 & 14 Vict. c. 111.	An Act the title of which begins with the words "An Act to relieve" and ends with the words "such Harbour."	*S. 2 is rep. 17 & 18 Vict. c. 44. s. 10. Rest spent.*
14 & 15 Vict. c. 28.	The Common Lodging Houses Act, 1851. In part; namely,— Section sixteen, from "and the restrictions" to the end of the section.	*The P.H. Act, 1848, is rep. by the P. H. Act, 1875, which does not re-enact the restrictions referred to.*
14 & 15 Vict. c. 38.	An Act the title of which begins with the words "An Act to facilitate" and ends with the word "Tolls."	*Spent on expiration of turnpike trusts.*
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851. In part; namely,— The schedule, so far as it relates to the following Acts:—9 Geo. 4. c. 75. (Holyhead Roads), 6 & 7 Will. 4. c. 35. (Holyhead Roads), 3 & 4 Vict. c. 104. (Holyhead Roads), 5 & 6 Vict. c. 64. (London Bridge Approaches), 7 & 8 Vict. c. 84. (Metropolitan Buildings Act), 8 & 9 Vict. c. 101. (Penny Coal Duties), 10 & 11 Vict. c. 76. (Holyhead Harbour), 11 & 12 Vict. c. 124. (London Bridge Approaches Fund).	*Spent or expired.*
14 & 15 Vict. c. 57.	The Civil Bill Courts (Ireland) Act, 1851. In part; namely,— Section twenty-three, from "be deemed" to "of this Act." Section ninety-four, the word "chairman." Section one hundred and forty-four, the words "already made or pronounced or hereafter."	*Spent*
14 & 15 Vict. c. 90.	The Fines Act (Ireland), 1851. In part; namely,— Section three, the words "after this Act shall come into operation."	*Spent.*
14 & 15 Vict. c. 93.	The Petty Sessions (Ireland) Act, 1851. In part; namely,— Section thirty-five, the words "an attorney or" and "attorney or." Section thirty-eight, from "and any materials" to "naming them" where those words next occur.	*As to attorney sup. by Jud. Act. As to s. 38. turnpikes are abolished 18 & 19 Vict. c. 69., 20 & 21 Vict. c. 16.*
14 & 15 Vict. c. 97.	The Church Building Act, 1851. In part; namely,— Section ten, the words "from and after the passing of this Act." Section fourteen, to "Act."	*Spent.*

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Reign and Chapter.	Title.	Remarks.
14 & 15 Vict. c. 102.	The Seamen's Fund Winding-up Act, 1851. In part; namely,—	
	Section forty-two, to "aforesaid" where that word first occurs, and from "such contributions" to the end of the section.	*Spent.*
	Section forty-three, from "after the time" to "contributions, and."	
	Section forty-five, from "made after" to "this Act"	
15 & 16 Vict. c. 12.	The International Copyright Act, 1852. In part; namely,—	
	Section seven, from "without the formalities" to "section."	*Falls with repeal of s. 8 by 49 & 50 Vict. c. 33. s. 12.*
15 & 16 Vict. c. 28.	The Commissioners of Works Act, 1852. In part; namely,—	
	Section four, the words "from the passing of this Act."	*Spent.*
15 & 16 Vict. c. 33.	An Act the title of which begins with the words "An Act to confirm" and ends with the words "from tolls."	*Spent on expiration of trusts.*
15 & 16 Vict. c. 34.	The Landed Property Improvement (Ireland) Act, 1852. In part; namely,—	
	So far as relates to the Act 12 & 13 Vict. c. 23.	*The Act mentioned is repealed.*
15 & 16 Vict. c. 55.	An Act to extend the provisions of "The Trustee Act, 1850." In part; namely,—	
	The words "or by the Court of Chancery" in sections six and seven.	*Virt. rep. 56 & 57 Vict. c. 53. s. 51.*
	Section seven, the words "or the Court of Chancery."	
15 & 16 Vict. c. 57.	The Election Commissioners Act, 1852. In part; namely,—	
	Section seventeen.	*Virt. rep. 56 & 57 Vict. c. 61. s. 2.*
15 & 16 Vict. c. 63.	An Act to amend the Laws relating to the Valuation of Rateable Property in Ireland. In part; namely,—	
	Section forty-four.	*Virt. rep. 56 & 57 Vict. c. 61. s. 2.*
15 & 16 Vict. c. 72.	An Act to grant a Representative Constitution to the Colony of New Zealand. In part; namely,—	
	Section forty-four, from "and the time" to "Representatives."	*Spent.*
15 & 16 Vict. c. 85.	The Burial Act, 1852. In part; namely,—	
	The words "in the metropolis" in sections ten, forty-two, and fifty.	*Virt. rep. 16 & 17 Vict. c. 134. s. 7.*

Reign and Chapter.	Title.	Remarks.
16 & 17 Vict. c. 60.	An Act to amend the Acts regulating the Salaries of Resident Magistrates in Ireland.	*S.* 1 *is rep.* 37 *&* 38 *Vict. c.* 23. *s.* 1. *S.* 2 *spent; these pensions being now granted under Superannuation Acts.*
16 & 17 Vict. c. 61.	An Act the title of which begins with the words "An Act to confirm" and ends with the words "from tolls."	*Spent on expiration of trusts.*
16 & 17 Vict. c. 89.	An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland. In part; namely,—	
	Section six, from "and the office" to the end of the section.	*Virt. rep.* 21 *&* 22 *Vict. c.* 83. *s.* 3; 22 *&* 23 *Vict. c.* 24. *s.* 1.
16 & 17 Vict. c. 112.	The Dublin Carriage Act, 1853. In part; namely,—	
	Section seventy-eight.	*Virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.
16 & 17 Vict. c. 119.	The Betting Act, 1853. In part; namely,—	
	Sections sixteen and seventeen.	*Virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.
16 & 17 Vict. c. 134.	The Burial Act, 1853. In part; namely,—	
	Section seven, from "and the words" to "were omitted."	*The words referred to are proposed for repeal; see above,* 15 *&* 16 *Vict c.* 85.
17 & 18 Vict. c. 38.	The Gaming Houses Act, 1854. In part; namely,—	
	Sections thirteen and fourteen.	*Virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.
17 & 18 Vict. c. 76.	The Convict Prisons (Ireland) Act, 1854. In part; namely,—	
	Section two, the words "transportation or of."	*As to transportation virt. rep.* 20 *&* 21 *Vict. c.* 3.
	In sections eleven and twenty, the words "transportation or."	*S.* 23 *virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.
	Section twenty-three.	
	Section twenty-seven, the words "to transportation or."	
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854. In part; namely,—	
	Section five, from "or in an Act" to "Copyhold Acts."	*As to s.* 5, 16 *&* 17 *Vict. c.* 57. *is repealed.*
	The words "for England" wherever they occur in sections six, and eight to ten.	*As to ss.* 6, 8–10, *see Interpretation Act.*
18 & 19 Vict. c. 119.	The Passenger Act, 1855. In part; namely,—	
	Section ninety-two.	*Virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.
18 & 19 Vict. c. 120.	The Metropolis Local Management Act, 1855. In part; namely,—	
	Section two hundred and twenty-four.	*Virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2.

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Reign and Chapter.	Title.	Remarks.
19 & 20 Vict. c. 24.	An Act the title of which begins with the words "An Act for enabling," and ends with the words "Juvenile Convicts."	*Spent.*
19 & 20 Vict. c. 41.	The Seamen's Savings Bank Act, 1856. In part; namely,— Section six, from "for a term" to "two years.	*Sup. and virt. rep. Penal Serv. Act*, 1891.
19 & 20 Vict. c. 97.	The Mercantile Law Amendment Act, 1856. In part; namely,— Section fifteen.	*In part rep.* 42 & 43 *Vict. c.* 78. *s.* 29. *Residue falls with repeal of the other sections incorporated.*
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857. In part; namely,— Schedule B.	*Falls with repeal of s.* 18.
21 & 22 Vict. c. 35.	An Act the title of which begins with the words "An Act to remove" and ends with the word "Albreda." In part; namely,— Section one, the words "in the said recited Act or" and the word "other."	*Falls with repeal of navigation laws.*
21 & 22 Vict. c. 83.	The Universities (Scotland) Act, 1858. In part; namely,— Section three, from "and no such office" to the end of the section.	*Sup.* 22 & 23 *Vict. c.* 24. *s.* 1, *and falls with repeal proposed in* 16 & 17 *Vict. c.* 89. *s.* 6.
23 & 24 Vict. c. 80.	An Act the title of which begins with the words "An Act to regulate" and ends with the words "in Scotland." In part; namely,— Section three, the words "with the "Solicitor of Inland Revenue at "Edinburgh."	*Virt. rep.* 40 & 41 *Vict. c.* 13. *s.* 12.
24 & 25 Vict. c. 26.	The Dublin Improvement Act Amendment Act, 1861. In part; namely,— Preamble. Section seven. Section eight, the words "or from the passing of this Act." Section eleven, to "therefore." Section thirteen.	*Spent.*
24 & 25 Vict. c. 133.	The Land Drainage Act, 1861. In part; namely,— Section fifty-three.	*Virt. rep.* 56 & 57 *Vict. c.* 61. *s.* 2.
25 & 26 Vict. c. 67.	The Declaration of Title Act, 1862. In part; namely,— Section forty-five, from "or for any term" to the end of the section.	*Virt. rep. Penal Servitude Act*, 1891.

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Reign and Chapter.	Title.	Remarks.
25 & 26 Vict. c. 102.	The Metropolis Local Management Act, 1862. In part; namely,— Section forty.	*Falls with repeal of* 18 *&* 19 *Vict. c.* 120. *s.* 249.
25 & 26 Vict. c. 104.	The Queen's Prison Discontinuance Act, 1862. In part; namely,— Sections ten and eleven.	*Virt. rep. and sup. Jud. Act*, 1873, *s.* 84.
26 & 27 Vict. c. 105.	An Act, the title of which begins with the words "An Act to remove," and ends with the words "limited sum." In part; namely,— Section one, to "of this Act."	*Spent.*
27 & 28 Vict. c. 99.	The Civil Bill Courts Procedure Amendment Act (Ireland), 1864. In part; namely,— Section sixty-four.	*Virt. rep.* 56 *&* 57 *Vict. c* 61. *s.* 2.
28 & 29 Vict. c. 124.	The Admiralty Powers, &c. Act, 1865. In part; namely,— Section six, from "or to be imprisoned" to "confinement." Section eight, from "or to be imprisoned" to "confinement."	*Sup. Penal Serv. Act*, 1891, *and Prison Act*, 1865.
29 & 30 Vict. c. 67.	The British Columbia Act, 1866. In part; namely,— Sections two to six. Repealed as to all Her Majesty's dominions.	*Spent.*
29 & 30 Vict. c. 74.	An Act to repeal Part of an Act intituled "An Act for the Government of "New South Wales and Van Diemen's "Land." Repealed as to all Her Majesty's dominions.	*Spent.*
29 & 30 Vict. c. 104.	An Act the title of which begins with the words "An Act to guarantee" and ends with the words "New Zealand." In part; namely,— Section three. Repealed as to all Her Majesty's dominions.	*Spent.*
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867. In part; namely,— Section six. Section nine. Section ten, the words "proctor, attorney," and from "and the persons" to the end of the section. Section eleven.	*Ss.* 6, 9, 11, *and pt. of* 10 *spent and sup. J. Act, ss.* 9 *and* 73, *and Order* 24*th March* 1893 *made thereunder;*

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Reign and Chapter.	Title.	Remarks.
30 & 31 Vict. c. 114. —*cont.*	Section thirteen, the words "proctor" and "or attorney" wherever they occur.	*and as to s.* 11, *see Adm. Order* 15 (*R.S.C. Order* 58, *r.* 22).
	Sections fourteen to twenty-five.	*Ss.* 13–25 *spent. or sup. J. Act, s.* 9, *and see savings in Bill; and as to s.* 24, *see Adm. Order* 20.
	Sections thirty-nine to forty-one.	*Ss.* 39–40 *sup. J. Act, s.* 61, *and* 39 & 40 *Vict. c.* 28. *s.* 7.
	Sections forty-eight and forty-nine.	*S.* 41 *sup. J. Act, s.* 9, *and Adm. Order* 12.
	Sections fifty-three to sixty-five.	*S.* 48 *sup. Adm. Order* 21.
	Sections sixty-seven and sixty-eight.	*S.* 49 *unnecessary since amalgamation with High Court by J. Act, s.* 9.
	Section seventy.	*Ss.* 53–57 *sup. J. Act, ss.* 73, 74.
	Section eighty-two.	*Ss.* 58–59 *sup.* 52 & 53 *Vict. c.* 10. *ss.* 7, 8.
	Section eighty-eight.	*S.* 60 *falls with proposed repeal of previous sections.*
	Section ninety-four.	*S.* 61 *sup. Adm. Order* 12 (*R.S.C. Order* 36).
	Section one hundred and seven.	*Ss.* 62, 65 *sup. Adm. Order* 13.
	Sections one hundred and eleven to one hundred and nineteen.	*S.* 67 *sup. Adm. Order* 12 (*P.R. Order* 31).
		S. 68 *sup. Adm. Orders* 4, 5.
		S. 70 *sup. by amalgamation with High Court under J. Act, s.* 9.
		S. 82 *sup.* 39 & 40 *Vict. c.* 28. *s.* 7.
		S. 88 *sup. Adm. Orders* 18, 22.
		S. 94 *sup. J. Act, s.* 59 *and Adm. Order* 15 (*R.S.C. Order* 58).
		S. 107 *falls with proposed repeal of s.* 24, *and is also sup. by Adm. Order* 15 (*R.S.C. Order* 58, *r.* 11).
		S. 111 *sup. Adm. Order* 15 (*R.S.C. Order* 58, *r.* 15).

Reign and Chapter.	Title.	Remarks.
30 & 31 Vict. c. 114. —*cont.*		*Ss.* 112, 114–118 *sup. J. Act, s.* 84, *and see savings in Bill.* *Ss.* 113, 119 *fall with proposed repeal of sections as to officers. As to s.* 119 *see power of removal in J. Act, s.* 73.
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act, 1868. In part; namely,— Section nine, the words "and with or without solitary confinement."	*Sup. by statutory regulations under the Prisons Acts.*
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868. In part; namely,— Section twenty-eight, the words "and assistant registrars hereinafter mentioned." Section thirty-one, from "with the assistance" to "October" where that word next occurs, and the words "and assistant registrars." Section thirty-five, the words "within fifteen days" and from "with the assistance" to "University Court." Section thirty-six.	*Virt. rep. Order in Council* 5 *Aug.* 1892 *confirming Ordinance No.* 9 *under* 52 *&* 53 *Vict. c.* 55. *See Sects. I., II., and X.*
31 & 32 Vict. c. 101.	The Titles to Land Consolidation (Scotland) Act, 1868. In part; namely,— Schedule (A.) No. 1.	*Falls with repeal of part of sect.* 4 *by* 56 *&* 57 *Vict.* c. 14 (*S.L.R.*).
31 & 32 Vict. c. 120.	An Act the title of which begins with the words "An Act to relieve" and ends with the word "Indies." In part; namely,— Section one, the words "after the passing of this Act" twice occurring.	*Spent.*
33 & 34 Vict. c. 66.	The British Columbia Act, 1870. Repealed as to all Her Majesty's dominions.	*Spent.*
33 & 34 Vict. c. 69.	The Statute Law Revision Act, 1870. In part; namely,— Schedule.	*Spent.*
33 & 34 Vict. c. 106.	An Act to amend the Sanitary Act, 1866, so far as relates to the City of Dublin.	*Spent and sup.* 55 *&* 56 *Vict. c. ccxvi.*

Reign and Chapter.	Title.	Remarks.
34 & 35 Vict. c. 86.	The Regulation of the Forces Act, 1871. In part; namely,— Section nineteen, so far as relates to the Secretary of State.	*See Interp. Act.*
34 & 35 Vict. c. 105.	The Petroleum Act, 1871. In part; namely,— Section two, so far as relates to the term Secretary of State.	*See Interp. Act.*
34 & 35 Vict. c. 116.	The Statute Law Revision Act, 1871. In part; namely,— Schedule.	*Spent.*
35 & 36 Vict. c. 63.	The Statute Law Revision Act, 1872. In part; namely,— Section two. Schedule.	*Spent.*
35 & 36 Vict. c. 97.	The Statute Law Revision Act, 1872 (No. 2). In part; namely,— Schedule.	*Spent.*
37 & 38 Vict. c. 35.	The Statute Law Revision Act, 1874. In part; namely,— Section two. Schedule.	*Spent.*
37 & 38 Vict. c. 65.	An Act the title of which begins with the words "An Act to enable" and ends with the words "coming of age."	*Expired.*
37 & 38 Vict. c. 96.	The Statute Law Revision Act, 1874 (No. 2). In part; namely,— Section two. Schedule.	*Spent.*
38 & 39 Vict. c. 66.	The Statute Law Revision Act, 1875. In part; namely,— Sections two and three. Schedule.	*Spent.*
38 & 39 Vict. c. 95.	An Act the title of which begins with the words "An Act to amend" and ends with the words "of Dublin."	*Falls with proposed repeal of 33 & 34 Vict. c. 106.*

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict c. 1.	The Exchequer Bonds Act, 1876.	*Spent.*
39 & 40 Vict. c. 5.	The Telegraph (Money) Act, 1876. In part; namely,—	
	Preamble.	*Spent.*
	Sections one to three.	
	Section four, to "therefore enacted that," and from "The first account" to the end of the section.	
39 & 40 Vict c. 7.	An Act to amend the Law relating to certain Appointments to the Council of India. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 11.	The United Parishes (Scotland) Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 12.	An Act to assimilate the Law of Scotland to that of England respecting the creation of Burgesses. In part; namely,—	
	Preamble.	*S.* 1 *as to part in col.* 2 *spent.*
	Section one, from "one thousand" to "Whitsunday" where it next occurs	
39 & 40 Vict.c. 13.	The Drugging of Animals Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 14.	The Chelsea Hospital Act, 1876. In part; namely,—	
	Preamble.	*S.* 1 *as to part in col.* 2 *spent.*
	Section one, from "sections forty" to the end of the section.	*S.* 2 *as to part in col.* 2 *and Schedule. fall with proposed repeal of preamble and part of s.* 1.
	Section two, from "The Acts" to the end of the section.	
	Schedule.	
39 & 40 Vict.c. 16.	The Customs and Inland Revenue Act, 1876. In part; namely,—	
	Preamble.	*Spent.*
	Section four, to "contained in" from "the following" to "said section" and the word "said" before "scale."	
	Section twelve and Schedule.	

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 17.	The Partition Act, 1876. In part; namely,— Section two, to "suit and," and the words "decree or."	*Spent.*
39 & 40 Vict. c. 18.	The Treasury Solicitor Act, 1876. In part; namely,— Section seven, from "The expression" where those words first occur, to "Treasury" where it last occurs. Section nine, to "provided that." First Schedule.	*Spent.*
39 & 40 Vict. c. 19.	The Salmon Fishery Act, 1876. In part; namely,— Preamble. Section one, from "and this Act" to the end of the section. Section three. Section four, the words "at any time" after the commencement of this "Act."	*S.* 1 *as to part in col.* 2 *sup. Short Titles Act.* *Rest spent.*
39 & 40 Vict. c. 20.	The Statute Law Revision (Substituted Enactments) Act, 1876. In part; namely,— Section one, the words "Act and the" and "amending the same." Section seven. Schedule.	*S.* 1 *as to part in col.* 2. *sup. Int. Act.* *S.* 7 *and sched. superseded by Short Titles Act*, 1892.
39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876. In part; namely,— Preamble. Section two, from "shall be in force" to "said provisions." Section four, from "from and after" to "seventy-six." Section five, the words "after the passing of this Act." Section six.	*Spent.*
39 & 40 Vict. c. 22.	The Trade Union Act Amendment Act, 1876. In part; namely,— Preamble. Section four, the words "the Governors and Companies of."	*See Interp. Act.*
39 & 40 Vict. c. 23.	The Prevention of Crimes Amendment Act, 1876. In part; namely,— Preamble.	

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 24.	The Small Testate Estates (Scotland) Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 25.	An Act to Amend the Law in Scotland in regard to the Division of Burghs into Wards. In part; namely,— Preamble. Section three, to "Act and" and the word "respectively."	*As to part of s. 3 in col. 2 sup. by repeal of 31 & 32 Vict. c. 102.*
39 & 40 Vict. c. 26.	The Publicans' Certificates (Scotland) Act, 1876. In part; namely,— Section three. Section nine, sub-section three, from "commencing" to "seventy-six"; and sub-section four from "commencing" to "seventy-six."	*Spent.*
39 & 40 Vict. c. 28.	The Court of Admiralty (Ireland) Amendment Act, 1876. In part; namely,— Preamble. Section seven, the words "Commissioners of Her Majesty's." Section eleven. Section twelve, the words "Commissioners of Her Majesty's" where they first occur. Section sixteen to "Act."	*S. 11, virt. rep. 40 & 41 Vict. c. 56. ss. 85, 86.* *As to Treasury and Lord Lieutenant, see Int. Act.* *Rest spent.*
39 & 40 Vict. c. 31.	The Public Works Loans (Money) Act, 1876. In part; namely,— Preamble. Section two. Section four. Section five. Section six, to "Provided always that." Section seven, to "enacted as follows."	*Spent.*
39 & 40 Vict. c. 34.	An Act to Amend the Law relating to Elver Fishing. In part; namely,— Preamble.	
39 & 40 Vict. c. 35.	The Customs Tariff Act, 1876. In part; namely,— Section one, to "drawbacks" where that word first occurs, and the words "on" and after the passing of this Act" and "Her heirs and successors."	*Spent in part, residue sup. by Int. Act.*

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Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 36.	The Customs Consolidation Act 1876. In part; namely — Preamble. The words "Commissioners of the" in sections two, three, seven, eleven, twelve, fifteen, twenty-two, twenty-four, thirty-nine, seventy-seven, eighty-five, one hundred and forty, two hundred and ten, two hundred and sixty-two, two hundred and seventy-six, and two hundred and eighty-three. The words "the Governor and Company of" wherever they occur in sections twenty-one, twenty-two, twenty-three, twenty-four, and twenty-eight. Section twenty-one, the words "the "hands of." Section twenty-two, the word "said" before "Commissioners of the." The words "Commissioners of Her Majesty's" in sections twenty-seven and fifty-two. Section seventy-seven, the word "Lords." Section one hundred and fifty-one, the words "and Her successors." Section two hundred and thirteen, the words "the Lords of." Section two hundred and fifteen, from "of the Lord" to "Commissioners." In sections two hundred and seven, two hundred and forty-five, and two hundred and fifty-nine, the words "Exchequer Division of the." The words "Her heirs and successors" wherever they occur in sections two hundred and forty-seven, two hundred and fifty-four, two hundred and seventy-five, and two hundred and seventy-six. Section two hundred and seventy-three, the word "attorney-at-law." Section two hundred and eighty-four, the definitions of Commissioners of the Treasury and Her Majesty. Section two hundred and eighty-eight. Schedule A.	*Sup. Int. Act or spent.*
39 & 40 Vict. c. 37.	The Nullum Tempus (Ireland) Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 38.	An Act the title of which begins with the words "An Act to extend" and ends with the words "In Ireland." In part; namely,— Preamble. Section two, to "Act."	*Spent.*

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 40.	The Medical Practitioners Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 42.	The Convict Prisons Returns Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 43.	The Isle of Man (Officers) Act, 1876. In part; namely,— Preamble. Section one, the words "Commissioners "of Her Majesty's."	*Sup. Int. Act.*
39 & 40 Vict. c. 44.	The Legal Practitioners (Ireland) Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 46.	An Act for more effectually punishing Offences against the Laws relating to the Slave Trade. In part; namely,— Preamble to "or otherwise."	
39 & 40 Vict. c. 47.	The Saint Vincent, Tobago, and Grenada Constitution Act, 1876. In part; namely,— Title, the word "Tobago." Preamble. The Preamble to Part II. of the Act. Section two, to "enacted that" and from "and shall come" to the end of the section. Section three, from "and in construing" to the end of the section. Section four, the word "Tobago." Schedule the Act relating to Tobago. Repealed as to all Her Majesty's Dominions.	*S.* 2 *as to part in col.* 2 *spent. Rest virt. rep. by repeal of the Act as to Tobago by* 50 *&* 51 *Vict. c.* 44.
39 & 40 Vict. c. 50.	The Poor Law Rating (Ireland) Act, 1876. In part; namely,— Preamble.	
39 & 40 Vict. c. 52.	The Savings Banks (Barrister) Act, 1876. In part; namely,— Preamble. Section two, from "Commissioners," secondly occurring, to "Majesty's," and the words "in this Act referred "to as the Treasury."	*Sup. Int. Act.*
39 & 40 Vict. c. 53.	The Superannuation Act, 1876. In part; namely,— Preamble. Section one, from "Commissioners" to "as the."	*Sup. Int. Act.*

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Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 54.	The Bishopric of Truro Act, 1876. In part; namely,—	
	Preamble.	*S.* 2 *as to part in col.* 2 *sup. Int. Act.*
	Section two, to "referred to as."	
	Section three, four, and seven.	
	Section eight, from "All annual" to "fund but" and the words "but after the appointment of a Bishop of Truro."	*Rest spent.*
	Section nine, from "A scheme" to the end of the section.	
39 & 40 Vict. c. 56.	The Commons Act, 1876. In part; namely,—	*S.* 25 *spent, having regard to repeal of part of s.* 74 *of* 8 & 9 *Vict. c.* 118. *by* 54 & 55 *Vict. c.* 67. (*S.L.R.*).
	Preamble.	
	Section nineteen, the words "after the "passing of this Act."	
	Section twenty, to "Act" where it first occurs.	
	Section twenty-five.	*S.* 37 *as to parts in col.* 2 *sup. Int. Act.*
	Section twenty-six, to "be it enacted that."	*Rest spent.*
	Section twenty-seven, to "enacted that," from "from and after" where those words first occur to "section and" where those words next occur, and from "from and after" where those words last occur to "and shall."	
	Section twenty-nine, to "that is to say."	
	Section thirty-two, the words "after the "passing of this Act."	
	Section thirty-seven, from "Inclosure "Acts," where those words first occur to "1876."	
	Schedule.	
39 & 40 Vict. c. 57.	The Winter Assizes Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 58.	The Parochial Records Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 59	The Appellate Jurisdiction Act, 1876. In part; namely,—	
	Section two.	*S.* 2 *spent.*
	Section six, the words "at any time "after the passing of this Act," from "but such appointment" to "Act" where it next occurs, and from "during "the time" to "and no longer."	*S.* 6, *as to right of retired Lord of Appeal to summons, virt. rep. by* 50 & 51 *Vict. c.* 70. *s.* 2.
	Section eight, from "Any order" to the end of the section.	*S.* 25 *as to error falls with repeal of part of s.* 11.
	Section eleven, to "Lords and."	
	Section fourteen, to "died or resigned," from "Lord of Appeal" where those words first occur to "appointed" where it next occurs, and from "on "the death" to "appoint."	*Rest spent.*

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 59. —*cont.*	Section fifteen, to "mentioned" where it first occurs, and from "The first "three" to "mentioned."	
	Section seventeen, to "seventy-six" where it first occurs, from "on or "before" to "seventy-six," the words "to be made after the passing of this "Act," and from "shall be made by" to "of court."	
	Section twenty-two, from "This section" to the end of the section.	
	Section twenty-three, to "enacted as follows," the words "after the passing of this Act," and the definition of "Admiralty."	
	Section twenty-five, the definition of error.	
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	
	In part; namely,—	
	Preamble.	*As to parts of ss.* 25, 37, 43 *in col.* 2 *spent.*
	Section twenty-five, from "from and "after" to "next."	
	Section thirty-seven, to "next."	
	Section forty-three, to "Provided that," the word "also" before "that the "contribution," and the words "from "and after the said first day of Sep- "tember next."	
39 & 40 Vict. c. 62.	The Sale of Exhausted Parish Lands Act, 1876.	
	In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 63.	The Notices to Quit (Ireland) Act, 1876.	
	In part; namely,—	
	Preamble.	*As to parts of ss.* 6, 8, *in col.* 2 *spent.*
	Section six, to "enacted that."	
	Section eight, the words "repeals or."	
39 & 40 Vict. c. 65.	An Act the title of which begins with the words "An Act to amend" and ends with the word "Dublin."	
	In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 67.	The Suez Canal (Shares) Act, 1876.	
	In part; namely,—	
	Preamble.	*As to parts of ss.* 1, 3, *in col.* 2 *sup. Int. Act.*
	Section one, the words "Her heirs and "successors."	
	The words "Commissioners of Her "Majesty's" in sections one and three.	
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	
	In part; namely,—	
	Section two, to "Act" where it secondly occurs.	*As to parts of ss.* 2, 26, 36, 38, 39, 44, 45 *in col.* 2 *spent.*

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 70. —*cont.*	Section twenty-six, to "Act" where it first occurs.	*As to parts of ss.* 40, 54 *in col.* 2 *sup. Int. Act.*
	Section thirty-five, from "in office at" to "such commissariot," and from "thereafter" to "as sheriff."	*Rest spent.*
	Section thirty-eight, the words "after "the commencement of this Act."	
	Section thirty-nine, to "Act" where it first occurs.	
	Section forty, the words "Lord Commis- "sioners of Her Majesty's."	
	Section forty-four, from "in lieu" to "said Act."	
	Section forty-five, from "on or before," where those words first occur, to "seventy-seven and," and the word "thereafter" where it next occurs, and from "to furnish," where those words first occur, to "and there- "after."	
	Section fifty-four, the words "the "Commissioners of."	
39 & 40 Vict. c. 71.	The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876. In part; namely,—	
	Preamble.	*S.* 2 *spent.*
	Section two.	
39 & 40 Vict. c. 73.	The Pensions Commutation Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876. In part; namely,—	
	Preamble.	
39 & 40 Vict. c. 76.	The Municipal Privilege Act, Ireland, 1876. In part; namely,—	
	Preamble.	*As to ss.* 3, 4, 5, *see Interp. Act.*
	The words "of Ireland" in sections three, four, and five.	*As to parts of ss.* 9, 11 *in col.* 2 *spent.*
	Section nine, the words "after the passing "of this Act."	
	Section eleven, to "Act."	
39 & 40 Vict. c. 77.	The Cruelty to Animals Acts, 1876. In part; namely,—	
	Preamble.	*S.* 20, *as to part in col.* 2 *sup. Int. Act.*
	Section three, sub-section two, from "one of" to "referred to as."	
	Section sixteen, the words "general or."	
	Section seventeen, the words "in Edinburgh or on circuit."	
	Section twenty, from "to the" to the end of the section.	

Reign and Chapter.	Title.	Remarks.
39 & 40 Vict. c. 78.	The Juries Procedure (Ireland) Act, 1876.	
	In part; namely,—	
	Preamble.	*S. 7, as to part in col. 7 sup. Int. Act. Rest spent.*
	Section seven, the words "to the Lord "Lieutenant of Ireland."	
	Section thirteen, from "no jury" to "sworn but."	
	Section fifteen, to "enacted that."	
	Section seventeen, to "Act."	
	Section twenty, from "after the first" to "seventy-six."	
	First Schedule, the words "attorneys and."	
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	
	In part; namely,—	
	Preamble.	*As to s. 3 and parts of ss. 5, 19, 44 in col. 2 spent.*
	Section three.	
	Section five, the words "after the commencement of this Act."	*S. 48, as to part in col. 2 sup. Int. Act.*
	Section nineteen, to "seventy-seven."	
	Section forty, to "as follows."	
	Section forty-four, to "Act," where it first occurs, and from "but the said" to the end of the section.	
	Section forty-eight, the definition of "Secretary of State."	
39 & 40 Vict. c. 80.	The Merchant Shipping Act, 1876.	
	In part; namely,—	
	Section two, from "and the said" to the end of the section.	*S. 2, as to part in col. 2 sup. Short Titles Act.*
	Section three.	
	Section fourteen, to "enacted that."	*S. 3 and parts of ss. 14, 24 in col. 2 spent.*
	Section twenty-four, to "seventy-six."	
40 & 41 Vict. c. 2.	The Treasury Bills Act, 1877.	
	In part; namely,—	
	Preamble.	*S. 1, as to part in col. 2 sup. Short Titles Act.*
	Section one, to "and may be cited as," and the words "and that Act."	
	Section two, the definitions of Treasury and Bank of England.	*S. 2, as to part in col. 2 sup. Int. Act.*
40 & 41 Vict. c. 3.	The Publicans' Certificates (Scotland) Act (1876) Amendment Act, 1877.	
	In part; namely,—	
	Preamble.	
40 & 41 Vict. c. 4.	The Beer Licenses Regulation (Ireland) Act, 1877.	
	In part; namely,—	
	Section two, to "seventy-seven."	*As to parts of ss. 2, in col. 2 spent.*
	Section three, to "Act" where it first occurs.	

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Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 9.	The Supreme Court of Judicature Act, 1877. In part; namely,— Section one, from "and together" to "1875, 1877." Section four, to "enacted that."	
40 & 41 Vict. c. 10.	The Customs and Inland Revenue Amendment Act, 1877. In part, namely,— Preamble.	
40 & 41 Vict. c. 11.	An Act to make provision with respect to Judicial Proceedings in certain cases relating to Rating. In part; namely,— Section one, from "whether commenced" to "Act." Section three, from "or of any" to "justice."	*Ss.* 1, 3, *as to parts in col.* 2 *spent.*
40 & 41 Vict. c. 13.	The Customs, Inland Revenue, and Savings Banks Act, 1877. In part; namely,— Preamble. Section twelve, to "next," and from "instead," where it secondly occurs, to "Controller," where it next occurs. Section fourteen, to "as follows," and the words "Commissioners of Her Majesty's." Section fifteen, to "as follows," and the words "Commissioners of Her Majesty's." Section sixteen, to "as follows," and the words "Commissioners of Her Majesty's."	*S.* 12, *as to part in col.* 2 *spent.* *As to Treasury sup. Int. Act.*
40 & 41 Vict. c. 14.	The Evidence Act, 1877. In part; namely,— Preamble.	
40 & 41 Vict. c. 15.	The Public Libraries (Ireland) Amendment Act, 1877. In part; namely,— Preamble. Section five, the words "Commissioners of Her Majesty's."	*S.* 5, *as to part in col.* 2 *sup. Int. Act.*
40 & 41 Vict. c. 17.	An Act to amend the Law relating to the Division of Courts of Quarter Sessions in Boroughs. In part; namely,— Preamble.	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 18.	The Settled Estates Act, 1877. In part; namely,—	
	Preamble.	*S.* 40, *as to part in col.* 2, *virt. rep. by* 44 *&* 45 *Vict. c.* 41. *s.* 70.
	Section forty, from "except that" to the end of the section.	
	Section forty-two, from "so far as relates" to the end of the section.	*S.* 42 *as to part in col.* 2 *virt. rep. by* 40 *&* 41 *Vict. c.* 57, *ss.* 61, 68.
	Section fifty-seven, the words "continued or" where they first occur, and from "or may be" to "require."	
	Section sixty-one.	*Ss.* 57,61, *as to part in col.* 2, *spent.*
40 & 41 Vict. c. 20.	The Constabulary (Ireland) Amendment Act, 1877. In part; namely,—	
	Title, from "to fix" to "and."	*Title, as to part in col.* 2, *virt. rep. by repeal of s.* 1.
	Preamble.	
40 & 41 Vict. c. 21.	The Prisons Act, 1877. In part; namely,—	
	Section two.	*Spent.*
	Section four to "Act" where it first occurs.	
	Section five, from "on and after" to "Act" where it next occurs, and from "one of" to "referred to as."	
	Section six, the words "after the passing of the Act."	
	Section fourteen, from "on or before" to "Act" where it next occurs, and the word "hereafter."	
	Section thirty-six, the words "after the commencement of this Act."	
	Section forty-two, the first word "That."	
	Section forty-five, to "Act" where it first occurs.	
40 & 41 Vict. c. 23.	The Colonial Fortifications Act, 1877. In part; namely,—	
	Section one, the words "Commissioners of Her Majesty's."	*Sup. Int. Act.*
40 & 41 Vict. c. 25.	The Solicitors Act, 1877. In part; namely,—	
	Preamble.	*S.* 1, *as to part in col.* 2, *sup. Short Titles Act.*
	Section one, from "the Act of," where those words first occur, to "and this Act," and the word "said" before "Solicitors."	*Rest spent.*
	Section three.	
	Section six, from "in the year" to "seventy-eight and" and the word "succeeding."	
	Section fourteen.	
	Section twenty-three.	
	The Second Schedule, Part I.	

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Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 26.	The Companies Act, 1877. In part; namely,— Preamble. Section two, from "and the said Acts" to the end of the section. Section six, to "enacted that."	*S.* 2, *as to part in col.* 2, *sup. Short Titles Act.*
40 & 41 Vict. c. 27.	The Public Works Loans (Ireland) Act, 1877. In part; namely,— Preamble. Section three, from "the Commissioners," where the words first occur to "referred to as." Section five, to "therefore enacted that." Section six, the words "Commissioners of Her Majesty's." Section seven, to "therefore enacted that." Section eight, to "therefore enacted that." First Schedule, Part Two, so far as relates to 6 Geo. 4. c. 54.	*Ss.* 3, 6, *as to parts in col.* 2, *sup. Int. Act. Rest spent.*
40 & 41 Vict. c. 28.	The Game Laws Amendment (Scotland) Act, 1877. In part; namely,— Preamble, from "And whereas" to end of preamble. Section two. Section eight, to "Act." Section nine, the words "always and be it enacted." Section ten, to "Act" where it first occurs and the words "from and after the passing of this Act" wherever they occur. Section eleven, to "Act," where that word first occurs.	*S.* 2, 12, *and parts of ss.* 8, 10, 11 *in col.* 2, *spent.*
40 & 41 Vict. c. 29.	The Married Women's Property (Scotland) Act, 1877. In part; namely,— Preamble.	
40 & 41 Vict. c. 30.	The Telegraphs (Money) Act, 1877.	*Spent.*
40 & 41 Vict. c. 31.	The Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877. In part; namely,— Preamble.	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 35.	The Metropolitan Open Spaces Act, 1877. In part; namely,—	
	Preamble.	*Sup. Int. Act and Short Titles Act.*
	Section five, the words "for the time being," where they secondly occur, "Her Majesty's" and "and Public Buildings."	
	In sections four and six, the word "said."	
40 & 41 Vict. c. 36.	The Registration of Leases (Scotland) Amendment Act, 1877. In part; namely,—	
	Preamble.	
40 & 41 Vict. c. 40.	An Act the title of which begins with the words "An Act to amend" and ends with the words "Extracts of Writs." In part; namely,—	
	Section seven, to "enacted that."	*S. 7, as to part in col. 2, spent.*
40 & 41 Vict. c. 41.	The Crown Office Act, 1877. In part; namely,—	
	Section two.	*Spent.*
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877. In part; namely,—	
	Section two.	*S. 2 spent.*
	Section thirteen, subsections (1), (2), and (3).	*S. 13, as to part in col. 2, sup. Int. Act.*
40 & 41 Vict. c. 43.	The Justices Clerks Act, 1877. In part; namely,—	
	Preamble.	*Ss. 5, 7, as to parts in col. 2, spent.*
	Section five, from "after the first" to "division," where that word next occurs.	
	Section seven, the words "after the passing of this Act."	
	Section eight, to "enacted as follows."	
40 & 41 Vict. c. 45.	The Treasury Chest Funds Act, 1877. In part, namely,—	
	Section six, the definition of the Treasury.	*S. 6, as to part in col. 2, sup. Int. Act.*
	Section seven.	*S. 7 spent.*
40 & 41 Vict. c. 48.	The Universities of Oxford and Cambridge Act, 1877. In part; namely,—	
	Preamble.	*S. 1, as to part in col. 2, sup. Short Titles Act.*
	Section one, from "and the Acts" to the end of the section.	
	Section forty-four, the words "of Great Britain for the time being."	*S. 44, as to part in col. 2, sup. Int. Act.*
	The words "after the cesser of the powers of the Commissioners" in sections fifty-two, fifty-three, and fifty-four.	
	The Schedule.	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 49.	The General Prisons (Ireland) Act, 1877. In part; namely,—	
	Section three, the definitions of Lord Lieutenant and Privy Council.	*S.* 3, *as to part in col.* 2, *and as to Treasury sup. Int. Act.*
	Section four, from "The General," where those words sixthly occur, to "have effect."	*Ss.* 20, 22, 27, 43, 59 *spent, and see savings.*
	Section five, the words "Commissioners of Her Majesty's."	*Rest spent.*
	Section nine, to "Act," where it first occurs.	
	Section twelve, the words "after the commencement of this Act."	
	Section seventeen, to "seventy-eight" where it first occurs, and from "and from and after" to "determine."	
	Section nineteen, the words "Commissioners of Her Majesty's" wherever they occur.	
	Section twenty.	
	Section twenty-one, to "seventy-eight."	
	Section twenty-two.	
	Section twenty-three, the words "Commissioners of the."	
	Section twenty-four, to "seventy-eight."	
	Section twenty-five, from "on or before" to "seventy-eight," and the word word "thereafter."	
	Section twenty-seven, from "From and after the first" to "seventy-eight."	
	Section twenty-eight, to "seventy-eight," and the words "Commissioners of Her Majesty's."	
	Section thirty, to "seventy-eight."	
	Section thirty-one, the words "Commissioners of Her Majesty's."	
	Section thirty-two, from "after the first" to "seventy-eight," next occurring and the words "Commissioners of Her Majesty's" wherever they occur.	
	Section forty-three, to "seventy-eight."	
	Section forty-four, the words "to the Lord Lieutenant."	
	Section fifty-seven, the words "Commissioners of Her Majesty's."	
	Section fifty-nine.	
40 & 41 Vict. c. 50.	The Sheriff Courts (Scotland) Act, 1877. In part; namely,—	
	Section two.	*S.* 3, *as to Crown sup. Int. Act.*
	Section three, to "Act" and the words "her heirs and successors."	*Rest spent.*
	Section four, to "Act" where it first occurs.	
	Section six, to "Act" where it first occurs.	
	Section seven, the words "after the passing of this Act."	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 51.	An Act the title of which begins with the words "An Act to enable" and ends with the words "of India."	
	In part; namely,—	
	Preamble.	*S.* 16 *virt. rep.*
	Section one, the words "after the passing of this Act."	42 & 43 *Vict. c.* 60, *ss.* 15, 16.
	Section sixteen.	*Rest spent.*
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	
	In part; namely,—	
	Section two.	*Spent.*
	Section four, to "Act" where it first occurs.	
	Section five, the words "on and after the commencement of this Act."	
	Section six, the words "after the passing of this Act."	
	Section seven, the words "after the passing of this Act."	
	Section fifteen, from "on or before" to "Act" and the word "hereafter."	
	Section forty-three, the words "after the commencement of this Act" where they first occur.	
	Section fifty-four, to "Act" where it first occurs, and from "The persons who" to the end of the section.	
	Section sixty, to "Act" where it first occurs.	
40 & 41 Vict. c. 55.	The Public Record Office Act, 1877.	
	In part; namely,—	
	Preamble.	*S.* 1, *as to part in col.* 2 *sup. by Int. Act.*
	Section one, the words "Commissioners of Her Majesty's."	
	Section two, to "therefore enacted that," and the words "after the passing of this Act" and from "Section nine of the" to the end of the section.	*S.* 2 *as to part first-mentioned in col.* 2. *spent as to rest virt. rep. by repeal of* 23 & 24 *Vict. c.* 49, *s.* 9 *in part.*
	Section three, from "the Act" to "cited as."	*S.* 3 *as to part in col.* 2, *sup. Short Titles Act.*
40 & 41 Vict. c. 56.	The County Officers and Courts (Ireland) Act, 1877.	
	In part; namely,—	
	Preamble.	*S.* 5, *sup. by Short Titles Act.*
	Section three, the words "from and after the commencement of this Act."	*S.* 7 *as to part in col.* 2, *sup. Int. Act.*
	Section four.	*Latter part of s.* 81 *falls with repeal of* 2 & 3 *Vict. c.* 88., 33 & 34 *Vict. c.* 46.,
	Section five.	
	Section seven, the definition of "Lord Lieutenant" and "Treasury," and the words "shall mean the Lord Chancellor of Ireland and."	

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Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 56. —*cont.*	Section eight, sub-section five, to "Act and."	*relating to salaries of chairmen.*
	Section nine, the words "after the passing of this Act."	*Rest spent, and see Savings.*
	Section twelve, the words "attorney or" wherever they occur.	
	Section thirteen, the words "an attorney or"	
	Section eighteen, the words "after the passing of this Act."	
	Section twenty, sub-section one, from "Provided always" to the end of the sub-section.	
	Section twenty-one, the words "after the passing of this Act."	
	Section twenty-four, the words "after the passing of this Act" and "except the Clerk of the Peace for the County of Wexford."	
	Section twenty-five, to "determine" and the words "after the passing of this Act" wherever they occur.	
	Section twenty-seven, the words "or Registrar of Civil Bills."	
	Section thirty, the words "Registrar of Civil Bills."	
	Section forty-nine, the words "made after the passing of this Act" and from "until the" to "appointment" where it last occurs.	
	Section seventy-one, to "required and."	
	Section seventy-four, the words "after the passing of this Act."	
	Section seventy-five, to "Act" where it first occurs.	
	Section seventy-nine, the words "after the passing of this Act" wherever they occur.	
	Section eighty-one, to "Act" where it first occurs and from "and from and after the passing of this Act" to the end of the section.	
	Section eighty-five, the words "after the passing of this Act."	
	Section eighty-six, the words "existing and any future," the words "From and after such union of offices" and "upon such union of offices" wherever they respectively occur, and from "Until each respective" to "herein-" "before provided" where those words last occur, and the words "after such "union."	
	Section ninety-two, the words "after the passing of this Act."	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature Act (Ireland), 1877. In part; namely,—	
	Preamble.	*S.* 3 *as to part in col.* 2 *sup. Int. Act.*
	Section two.	
	Section three, the definitions of "Lord Lieutenant" and "Treasury" and the words "shall mean Lord Chancellor of Ireland and."	*S.* 9 *as to parts in col.* 2 *spent, on death of Admiralty judge.*
	Section four, to "Act" where it first occurs.	*S.* 20 *as to part in col.* 2 *sup. Revenue Act*, 1889, *s.* 32.
	Section six, the words "the Lord Chief Justice of the Common Pleas," where they secondly occur, and from "The vacancy now existing" to "not be filled up."	*As to Common Pleas sup. by amalgamation of Common Pleas in the Q. B. Div.*
	Section nine, to "High Court of Justice" where those words first occur, and from "Until such transfer" to the of the section.	*S.* 61 *as to part in col.* 2 *and Sched. annulled by Order in Council, Jan.* 28, 1891.
	Section ten, the words "the Lord Chief Justice of the Common Pleas" from "The first" to "thereby created" and the words "Chief Justice of the Common Pleas."	*S.* 64 *virt. rep. R.S.C.*, 1891, *App. R. Rest spent.*
	Section fifteen, the words "from and after the passing of this Act."	
	Section sixteen, the words "the Lord Chief Justice of the Common Pleas."	
	Section seventeen, to "Act" where it first occurs, and from "shall be instead" to "such salaries," and the words "after the commencement of this Act."	
	Section eighteen, the words "the Lord "Chief Justice of the Common Pleas "and," "each," "Common Pleas" where those words next occur, and "Lord Chief Justice, Chief Justice of the Common Pleas, and."	
	Section twenty, the words "shall grow due from day to day but," the words "on the usual," and from "days of payment" to the end of the section.	
	Section twenty-five.	
	Section twenty-eight, to "enacted as follows."	
	Section twenty-nine, to "Act but."	
	Section thirty, from "before" where it first occurs to "Act" where it thirdly occurs.	
	Section thirty-four, the word "five" wherever it occurs; the words "immediately on the commencement of this Act," the whole of subsection three, the words "the Common Pleas Division" where they first occur, the words "Common Pleas" where they next	

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Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 57. —*cont.*	occur, the words "The Common Pleas Division of three Judges," from "from and after" to "junior Barons," and from "Any vacancy at" to "after the commencement of this Act." Section thirty-five, the words "Common Pleas." Section thirty-six, from "There shall be assigned," where those words thirdly occur to "Common Pleas Division" where those words last occur. Section forty-one, the words "Common Pleas." Section forty-three, the words "Common Pleas" where they first occur, and from "and in the meantime" to the end of the section. Section forty-six, the words "Common Pleas" wherever they occur. Section fifty, the words "after the commencement of this Act" and "the "Lord Chief Justice of the Common "Pleas." Section fifty-one, the words "Common Pleas." Section sixty-one, from "made upon the recommendation" to "such other judges," the words "on the recommendation of the judges herein-before specified," and from "The rules contained" to the end of the section. Section sixty-two, the words "after the commencement of this Act." Section sixty-three, the words "from and after the passing of this Act." Section sixty-four. Section seventy, the words "to the Lord Lieutenant of Ireland." Section seventy-two, the words "from "and after the commencement of this "Act" and from "and all officers" where those words first occur to "Common Pleas Division of the said High Court" and the words "the Chief Justice of the Common Pleas." Section seventy-three, the words "the Chief Justice of the Common Pleas" and "after the passing of this Act." Section seventy-five, to "such existing Receiver Master," the words "after "the death, resignation, or release of "said Receiver Master," "after the "death, resignation, or release of the "existing Receiver Master," "after "the passing of this Act," and from "The Lord Lieutenant" where those words last occur to the end of the section.	

Reign and Chapter.	Title.	Remarks.
40 & 41 Vict. c. 57. —*cont.*	Section seventy-seven, the words "Common Pleas."	
	Section seventy-eight, to "Act" where it first occurs.	
	Section eighty-four, from "either before" to "Act" where it next occurs.	
	Section eighty-five, the words "after the passing of this Act" where they first occur, and "from and after the passing of this Act."	
	Section eighty-six, the words "subsequent to the commencement of this Act" and from "Nothing in this Act" to the end of the section.	
	Schedule.	
40 & 41 Vict. c. 59.	The Colonial Stock Act, 1877. In part; namely,—	
	The words "Commissioners of Her Majesty's" wherever they occur in sections one, nineteen, and twenty.	*S.* 26 *as to part in col.* 2 *sup. Short Titles Act.*
	Section twenty-six, from "The Act of the session" to "1835."	*As to Treasury, sup. Int. Act.*
40 & 41 Vict. c. 60.	The Canal Boats Act, 1877. In part; namely,—	
	Section one, to "into force" where those words secondly occur.	*S.* 15 *and part of s.* 1 *in col.* 2 *spent.*
	Section fifteen.	
40 & 41 Vict. c. 62.	The Legal Practitioners Act, 1877. In part; namely,—	
	Preamble.	
40 & 41 Vict. c. 63.	The Building Societies Act, 1877. In part; namely,—	
	Preamble.	
40 & 41 Vict. c. 66.	The Local Taxation Returns Act, 1877. In part; namely,—	
	Preamble.	*S.* 5 *as to part in col.* 2 *sup. Short Titles Act.*
	Section five, from "The Act" to "cited as" where those words next occur, and the words "and that Act."	
40 & 41 Vict. c. 68.	The Destructive Insects Act, 1877. In part; namely,—	
	Section one, to "referred to as."	*S.* 1 *as to part in col.* 2 *sup. Interp. Act.*
	Section seven, sub-section one, from "or other" to "Ireland" where it next occurs.	*S.* 7 *as to part in col.* 2 *sup. Int. Act.*
41 & 42 Vict. c. 3.	The House Occupiers Disqualification Removal Act, 1878. In part; namely,—	
	Preamble.	*S.* 2 *as to part in col.* 2 *spent.*
	Section two, to "Act."	

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 5.	The House Occupiers Disqualification Removal (Scotland) Act, 1878. In part; namely,— Preamble. Section two, to "Act."	 *S.* 2 *as to part in col.* 2 *spent.*
41 & 42 Vict. c. 8.	The Public Parks (Scotland) Act, 1878. In part; namely,— Preamble. Section three to "Act." Section twenty-seven, the definitions of Secretary of State and Treasury.	 *S.* 3 *as to part in col.* 2 *spent.* *S.* 27 *as to part in col.* 2, *sup. Int. Act.*
41 & 42 Vict. c. 12.	An Act for the Prevention of Accidents by Threshing Machines. In part; namely,— Preamble. Section two, to "seventy-nine."	 *S.* 2 *as to part in col.* 2 *spent.*
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878. In part; namely,— Preamble. Section nine, the words "Commissioners of Her Majesty's."	 *S.* 9 *as to part in col.* 2, *sup. Int. Act.*
41 & 42 Vict. c. 15.	The Customs and Inland Revenue Act, 1878. In part; namely,— Preamble. Section three, from "on and after," where those words first occur, to "seventy-eight" where it next occurs, and from "on and after" where those words last occur, to "seventy-eight." Section sixteen, to "passing of this Act." Section seventeen, to "chapter five." Section twenty-five, to "seventy-eight" and the words "after the said first day of October."	 *Spent.*
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878. In part; namely,— Section two. Section twenty. Section ninety-six, the definitions of Treasury, Secretary of State, Education Department, Summary Jurisdiction Acts, and Court of Summary Jurisdiction. Section one hundred and five, sub-section six, and in sub-section twenty-two, the words "to the Court of Justiciary at Edinburgh." Section one hundred and six, sub-section five, the words "or Lords Justices of Ireland," sub-section seven. Section one hundred and seven. The Sixth Schedule.	 *S.* 20 *virt. rep.* 54 & 55 *Vict. c.* 75. *s.* 18. *Ss.* 96, 105, 106, *as to parts in col.* 2, *sup. Int. Act.* *Rest spent.*

Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 17.	The Adulteration of Seeds Act, 1878. In part; namely,— Section two, to "Act" where it first occurs.	*S.* 2, *as to part in col.* 2, *spent.*
41 & 42 Vict. c. 18.	The Public Works Loans Act, 1878. In part; namely,— Preamble. Section three, to "therefore enacted as follows," from "from the first" to "seventy-eight," where it first occurs, from "in the year" to "seventy-eight and," the word "succeeding," and from "and after the commencement" to the end of the section. Section four, to "enacted as follows."	*Spent.*
41 & 42 Vict. c. 24.	An Act to amend the Public Works (Loans) Ireland Act, 1877, so far as relates to Lunatic Asylums. In part; namely,— Preamble. Section one, the words "or other chief governor or governors" occurring twice, and "of Ireland."	*S.* 1, *as to part in col.* 2, *sup. Int. Act.*
41 & 42 Vict. c. 25.	The Public Health (Water) Act, 1878. In part; namely,— Preamble. Section two.	*S.* 2 *spent.*
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878. In part; namely,— Sections three and eight. Section fourteen, to "therefore enacted that." Section twenty-four, from "in the form" to "admit." Section thirty, from "The remuneration" to the end of the section. Section forty-three.	*S.* 3 *spent.* *Ss.* 8, 24, *as to part in col.* 2, *virt. rep. by Registration Act*, 1885, *s.* 18, *and Scheds.* 2, 3. *S.* 30, *as to part in col.* 2, *virt. rep. by* 51 *Vict. c.* 10. *s.* 9. *S.* 43 *virt. rep. by repeal of s.* 78 *of Reform Act*, 1832, *by Reg. Act*, 1885, *s.* 15.
41 & 42 Vict. c. 28.	The Entail Amendment (Scotland) Act, 1878. In part; namely,— Preamble. Section three, from "subject to" to the end of the section.	*S.* 3 *sup.* 45 & 46 *Vict. c.* 53. *s.* 6 (1).

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 31.	The Bills of Sale Act, 1878. In part; namely,—	
	Preamble.	*Spent.*
	Section two, to "operation on" and the words "which day."	
	Section twenty-three, to "Provided that."	
41 & 42 Vict. c. 32.	The Metropolis Management and Building Acts Amendment Act, 1878. In part; namely,—	
	Preamble.	*Ss.* 12, 27, *as to parts in col.* 2, *sup. Int. Act.*
	Section six, to "Act" where it first occurs, and from "or the construction" to "Act" where it next occurs.	*Rest spent.*
	Section seven, the words "after the passing of this Act" where they first occur, and from "or the construction" to the end of the section.	
	Section twelve, the words "her heirs or successors."	
	Section twenty-seven, the words "for the time being" "Her Majesty's," "Forests and Land Revenues," and "her heirs or successors."	
41 & 42 Vict. c. 33.	The Dentists Act, 1878. In part; namely,—	
	Preamble.	*S.* 4, *as to part in col.* 2, *virt. rep. by* 49 & 50 *Vict. c.* 48. *s.* 26.
	Section three, to "seventy-nine" where it first occurs, and from "after" where it last occurs, to "seventy-nine."	
	Section four, from "A prosecution for such" to "mentioned" where it next occurs, the words "on such prosecution as herein-after mentioned," and from "shall not" to "council but."	*Ss.* 6, 7, *as to parts in col.* 2, *spent.* *Rest spent.*
	Section five, from "from and after" to seventy-nine.	
	Section seven, from "Provided that" to "unnecessary oaths."	
	Section sixteen, from "before" to "seventy-nine," and from "a fee," where those words first occur, to "registered."	
	Section twenty-eight, the words "after the passing of this Act."	
41 & 42 Vict. c. 34.	The South Wales Highway Act Amendment Act, 1878. In part; namely,—	
	Preamble.	
41 & 42 Vict. c. 38.	The Innkeepers Act, 1878. In part; namely,—	
	Preamble.	

Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 39.	The Freshwater Fisheries Act, 1878. In part; namely,— Section four.	*S.* 4 *spent.*
41 & 42 Vict. c. 40.	The Prisons Authorities Act, 1874, Amendment Act, 1878. In part; namely,— Preamble.	
41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878. In part; namely,— Preamble. Section six.	*S.* 6 *spent.*
41 & 42 Vict. c. 42.	The Tithe Act, 1878. In part; namely,— Preamble.	
41 & 42 Vict. c. 43.	The Marriage Notice (Scotland) Act, 1878. In part; namely,— Preamble. Section three, to "operation on" and the words "which date." Section fifteen, from "on or before" to "thereafter."	*Ss.* 3, 15, *as to part in col.* 2, *spent.*
41 & 42 Vict. c. 44.	The Truro Chapter Act, 1878. In part; namely,— Preamble. Section two.	*S.* 2 *spent.*
41 & 42 Vict. c. 47.	An Act the title of which begins with the words "An Act to enable" and ends with the word "thereto." In part; namely,— Preamble. Section two, to "being made." Section three, from "as from" to the end of section.	*Ss.* 2, 3, *as to parts in col.* 2, *spent.*
41 & 42 Vict. c. 49.	The Weights and Measures Act, 1878. In part; namely,— Section two. Section five from "as soon" to "Act" where it next occurs. Section sixty, the words "general or." Section seventy, the definitions of Court of Summary Jurisdiction, Quarter Sessions, and Treasury.	*Ss.* 70, 84, 85, *as to parts in col.* 2, *sup. Int. Act.* *Rest spent.*

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 49. —*cont.*	Section seventy-three, from "to the Court" to "circuit courts," and the words "at Edinburgh."	
	Section eighty-four, the definition of Summary Jurisdiction Acts.	
	Section eighty-five, the definition of Lord Lieutenant.	
	Section eighty-six, to "that is to say that."	
	Sixth Schedule, First Part.	
41 & 42 Vict. c. 50.	The County of Hertford Act, 1878. In part; namely,—	
	Preamble.	
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878. In part; namely,—	
	Section one, from "and except" to the end of the section.	*Ss.* 12, 13, 15 *in part*, 18 *in part*, 19–26, 28, 58 *in part, sup. by* 52 & 53 *Vict. c.* 50. *s.* 16.
	Section three, the definition of "Secretary of State," from "appointed and" to "this Act" four times occurring, and the definition of "Debt Commissioner."	*Ss.* 14 *and* 117 *in part sup. by* 52 & 53 *Vict. c.* 50. *s.* 72.
	Sections four to ten.	
	Section eleven, to "Act," and the words "as herein-after particularly provided," "herein-after mentioned," and "as herein-before defined."	*Ss.* 28 *in part*, 30 *sup. by* 52 & 53 *Vict. c.* 50. *s.* 83.
	Sections twelve to fourteen.	*S.* 40 *in part virt. rep. by* 52 & 53 *Vict. c.* 50. *ss.* 11 *and* 12.
	Section fifteen, to "appoint" and from "consisting" to "and the board."	*S.* 46 *sup. by* 52 & 53 *Vict. c.* 50. *s.* 44 (*b*).
	Section eighteen, from "in all time" to "forms part," the words "after such commencement," and from "of such county" to "the district committee."	*S.* 52 *in part sup. by* 52 & 53 *Vict. c.* 50. *ss.* 27 (2), 27 (5), *and* 62 (4).
	Sections nineteen to twenty-six.	
	Section twenty-eight.	*Ss.* 83–85 *sup. by* 52 & 53 *Vict. c.* 50. *s.* 62.
	Section thirty.	
	Section thirty-one.	
	Section thirty-two, to "of this Act," where those words first occur.	*S.* 97 *virt. rep.* 47 & 48 *Vict. c. xxxv.*
	Section thirty-three, to "Provided always that," and from "All causeway mail" to the end of the section.	*S.* 111 *sup. by* 52 & 53 *Vict. c.* 50. *s.* 9 (2).
	Section thirty-four, the words "from and after such abolition."	*Ss.* 114–116 *sup. by* 52 & 53 *Vict. c.* 50. *ss.* 26 (2), 75, *and* 82.
	Sections thirty-five and thirty-six.	
	Section thirty-seven, the word "turnpike," from "(that it to say)" to "road is situated," subsection (*b*), and from "(2) Where" to the end of the section.	*S.* 120 *sup. by* 52 & 53 *Vict. c.* 50. *s.* 68.
	Section thirty-eight.	*S.* 121 *in part sup. by* 52 & 53 *Vict. c.* 50. *s.* 70 (8).
	Section forty, from "A commissioner of" to "property therein."	*Rest spent.*

Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 51. —*cont.*	Section forty-one, from "at their first" to "adjournment thereof," and from "but no road" to "of revenue."	
	Section forty-two, from "which at the" to "as aforesaid."	
	Section forty-six.	
	Section forty-seven, to "of this Act" where those words first occur.	
	Section forty-eight.	
	Section fifty-two, from "as allocated" to "herein-before mentioned," and from "and such assessment" to "at their removal."	
	Section fifty-five, from "at the time" to "Act" where it first occurs.	
	Section fifty-eight, from "and shall be levied" to "or districts."	
	Sections fifty-nine to sixty-eight.	
	Section sixty-nine, the words "as herein-before provided."	
	Sections seventy-one to seventy-three.	
	Section seventy-four, to "adopted by" where these words first occur, the words "such trustees," "after such resolution has been adopted by," and "the said local authority."	
	Section eighty-one.	
	Sections eighty-three to eighty-five.	
	Section eighty-eight, from "and it is not" to "are so situated," and the words "or clerk of supply of any county."	
	Section eighty-nine, to "as follows," the words "commence to," from "on the first" to "eighty-two," sub-section (1), in sub-section (2) the words "appearing as aforesaid," and from "The Secretary of State may" to "common form," and sub-section (4).	
	Section ninety, the words "or clerk of supply" in sub-section (1).	
	Section ninety-three, to "Act" where it first occurs, from "and the right" to "thereafter cease," the words "at the said date of vesting," from "as at the date" where those words first occur, to "purchase or sale," and the words "so ascertained and determined."	
	Section ninety-four, to "said date," from "notwithstanding the" to "county of Edinburgh," and the words "not hereby specially repealed."	
	Section ninety-five.	
	Section ninety-six, the words "In the event of," "being adopted," from "or otherwise" to "therein the same," and from "at the time this" to "any time thereafter."	
	Section ninety-seven.	

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 51. —*cont.*	Sections one hundred and three, one hundred and seven, and one hundred and eight.	
	Section one hundred and eleven, to "that is to say."	
	Sections one hundred and fourteen to one hundred and sixteen.	
	Section one hundred and seventeen, to "provided: and."	
	Section one hundred and nineteen, from "valued and" to "provided."	
	Section one hundred and twenty.	
	Section one hundred and twenty-one, the words "trustees of counties and."	
	Section one hundred and twenty-three, the words "from and after the commencement of this Act."	
	Schedule A.	
41 & 42 Vict. c. 52.	The Public Health (Ireland) Act, 1878. In part; namely,—	
	Section two, the definitions of Summary Jurisdiction Acts and Court of Summary Jurisdiction.	*Ss.* 2, 276, *as to parts in col.* 2, *sup. Int. Act.*
	Section ten, to "Act" where it first occurs.	*Rest spent.*
	Section eleven, the words "Commissioners of Her Majesty's."	
	Section one hundred and ninety-eight, the words "Commissioners of Her Majesty's."	
	Section two hundred and seventy-six, the words "of the Lord Lieutenant" where they secondly occur, and "after the passing of this Act."	
41 & 42 Vict. c. 53.	The Admiralty and War Office Regulation Act, 1878. In part; namely,—	
	Preamble.	
41 & 42 Vict. c. 57.	The Statute Law Revision (Ireland) Act, 1878. In part; namely,	
	Schedule.	*Spent.*
41 & 42 Vict. c. 58.	The Locomotives Amendment (Scotland) Act, 1878. In part; namely,—	
	Section three, to "enacted that."	*S.* 9, *as to part in col.* 2, *sup. Int. Act.*
	Section four, to "Scotland and."	
	Section five, to "enacted that."	*Rest spent.*
	Section six, to "enacted that."	
	Section nine, the definition of Secretary of State.	
41 & 42 Vict. c. 59.	The Drainage and Improvement of Lands (Ireland) Act, 1878. In part; namely,—	
	Preamble.	

Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 60.	The Poor Afflicted Persons Relief (Ireland) Act, 1878.	
	In part; namely,—	
	Preamble.	
41 & 42 Vict. c. 63.	The Prison (Officers Superannuation) Act, 1878.	
	In part; namely,—	
	Preamble.	*S. 5, as to part in col. 2, sup. Int. Act.*
	Section five, the definition of Treasury.	
41 & 42 Vict. c. 66.	The Intermediate Education (Ireland) Act, 1878.	
	In part; namely,—	
	The words "Commissioners of Her Majesty's" in sections four, nine, and ten.	*As to Treasury, sup. Int. Act.*
41 & 42 Vict. c. 68.	The Bishoprics Act, 1878.	
	In part; namely,—	*Ss. 2, as to part in col. 2, sup. Int. Act. Rest spent.*
	Preamble.	
	Section two, to "referred to as."	
	Section four.	
	Section seven.	
	Section eight from "All annual" to "fund but."	
	Section nine.	
	Section ten.	
	Section eleven, to "Liverpool" where it first occurs.	
41 & 42 Vict. c. 69.	The Petty Sessions Clerks and Fines (Ireland) Act, 1878.	
	In part; namely,—	
	Section two, from "in lieu" to the end of the section.	*Spent.*
	Section five, to "Act" where it first occurs and from "instead of" to "Act."	
	Section eight, to "Act" where it first occurs.	
	Section twelve, to "Act" where it first occurs.	
41 & 42 Vict. c. 71.	The Metropolitan Commons Act, 1878.	
	In part; namely,—	
	Preamble.	
41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	
	In part; namely,—	
	Preamble.	*Ss. 4, 7 spent.*
	Section four.	
	Section seven.	

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 74.	The Contagious Diseases (Animals) Act, 1878.	
	In part; namely,—	
	Section two.	*Ss.* 5, 8, 76, *as to parts in col.* 2, *sup. Int. Act.*
	Section five, the definition of Treasury.	
	Section eight, from "Her Majesty's" to "Council and."	*Rest spent.*
	Section twenty-seven, from "as soon" to "and thereafter."	
	Section thirty-five, sub-section (2) and sub-section (3) to "seventy-nine."	
	Section seventy-four sub-section five, from "to the Court" to "Circuit Courts," and the words "at Edinburgh."	
	Section seventy-six, sub-section (i), and sub-section (ii) to "Lieutenant and."	
41 & 42 Vict. c. 75.	The Arranmore Polling District Act, 1878.	
	In part; namely,—	
	Preamble.	*S.* 2, *as to part in col.* 2, *spent.*
	Section two, the words "from and after the passing of this Act."	
41 & 42 Vict. c. 76.	The Telegraph Act, 1878.	
	In part; namely,—	
	Section ten, sub-section one.	*Ss.* 10, 11, *as to parts in col.* 2, *sup. Int. Act.*
	Section eleven, to "time being" where those words first occur, and the words "for the time being" wherever they occur.	
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	
	In part; namely,—	
	Preamble.	*S.* 13, *as to part in. col.* 2, *virt. rep. by Local Govt. Act*, 1888, *s.* 11.
	Section thirteen, from "and one-half of" to the end of the section.	
	Section sixteen, to "subject as aforesaid" and the words "ought not to become or."	*S.* 36, *as to part in col.* 2, *sup. Int. Act.*
	Section twenty-eight, to "enacted that."	*Rest spent.*
	Section thirty, to "enacted that."	
	Section thirty-one, to "enacted that."	
	Section thirty-six, the definition of Summary Jurisdiction Acts.	
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	
	In part; namely,—	
	Section three.	*As to Treasury see Int. Act.*
	Section five, the words "after the commencement of this Act"; in sub-section (1) the word "or"; and sub-section two.	*S.* 5, *as to part in col.* 2, *sup.* 46 & 47 *Vict. c.* 56. *s.* 6.
	Section six, to "Act" where it first occurs.	*S.* 29 *virt. rep.* 46 & 47 *Vict. c.* 56. *s.* 13.

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Reign and Chapter.	Title.	Remarks.
41 & 42 Vict. c. 78. —*cont.*	Section twenty-four, the words "from and after the passing of this Act."	*Rest spent.*
	Section thirty-one, the words "said Commissioners of Her Majesty's."	
41 & 42 Vict. c. 79.	The Statute Law Revision Act, 1878. In part; namely,—	
	Sections two and three.	*Spent.*
	Schedules.	
42 & 43 Vict. c. 2.	The Consolidated Fund (No. 1) Act, 1879.	*Spent.*
42 & 43 Vict. c. 3.	The Exchequer Bonds (No. 1) Act, 1879.	*Spent.*
42 & 43 Vict. c. 4.	The Mutiny Act (Temporary) Continuance Act, 1879.	*Expired.*
42 & 43 Vict. c. 5.	The Marine Mutiny Act (Temporary) Continuance Act, 1879.	*Expired.*
42 & 43 Vict. c. 6.	The District Auditors Act, 1879. In part; namely,—	
	Preamble.	*Spent; and as to s.* 8 *see Interp. Act.*
	Section two, to "cease, and."	
	Section eight, so far as relates to the Treasury.	
	Sections nine and ten.	
	Section eleven, to "repealed; and"	
	Section twelve, from "any sum in respect" to "or from recovering," the words "incurred or" and the word "hereafter."	
	Second Schedule.	
42 & 43 Vict. c. 7.	The Consolidated Fund (No. 2) Act, 1879.	*Spent.*
42 & 43 Vict. c. 8.	The Registration of Births, Deaths, and Marriages (Army) Act, 1879. In part; namely,—	
	Section five.	*Spent.*
42 & 43 Vict. c. 11.	The Bankers' Books Evidence Act, 1879. In part; namely,—	
	Section two.	*Spent.*
42 & 43 Vict. c. 13.	An Act to amend the Act thirty-third and thirty-fourth Victoria, chapter forty-two, for the abolition of Petty Customs.	*Spent.*
42 & 43 Vict. c. 14.	The Consolidated Fund (No. 3) Act, 1879.	*Spent.*
42 & 43 Vict. c. 16.	The West India Loan Act, 1879.	*Spent; see notice in Lon. Gaz.*, 13 *March* 1883.
42 & 43 Vict. c. 17.	The House of Commons Costs Taxation Act, 1879. In part; namely,—	
	Preamble.	

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Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 18.	The Racecourses Licensing Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two to "eighty."	
	Section five from "after" to "eighty."	
	Section six from "after" to "eighty."	
42 & 43 Vict. c. 19.	The Habitual Drunkards Act, 1879.	
	In part; namely,—	
	Section two.	*S.* 2 *spent.*
	Section three, from "The expression" where those words first occur, to "Acts amending the same."	*As to ss.* 3, 13, 30, *see Interp. Act.*
	Section thirteen, the words "Commissioners of Her Majesty's" wherever they occur.	*S.* 30 (2) *to* (5) *virt. rep.* 47 & 48 *Vict. c.* 43. *s.* 6.
	Section thirty, the words "general or," and sub-sections (2) to (5).	*S.* 35, *as to pt. in col.* 2. *virt rep.* 50 & 51 *Vict. c.* 35. *s.* 44.
	Section thirty-five, from "to the court" to "circuit courts," and from "at Edinburgh" to "be made."	
42 & 43 Vict. c. 20.	The Consolidated Fund (No. 4) Act, 1879.	*Spent.*
42 & 43 Vict. c. 21.	The Customs and Inland Revenue Act, 1879.	
	In part; namely,—	
	Preamble.	*S.* 2 *virt. rep.* 55 & 56 *Vict. c.* 16. *s.* 1.
	Section two.	
	Section three, to "Act, 1876" and from "on and after" to "seventy-nine."	*S.* 4 *virt. rep.* 50 & 51 *Vict. c.* 15. *s.* 3.
	Section four.	*Rest spent.*
	Section fourteen, from "and the several" to the end of the section.	
	Sections fifteen to seventeen.	
42 & 43 Vict. c. 22.	The Prosecution of Offences Act, 1879.	
	In part; namely,—	
	Preamble.	*S.* 10 *spent.*
	Section nine so far as relates to the Treasury and Secretary of State.	*As to s.* 9 *see Interp. Act.*
	Section ten.	
42 & 43 Vict. c. 23.	The Hares Preservation (Ireland) Act, 1879.	
	In part; namely,—	
	Preamble.	
42 & 43 Vict. c. 24.	The Statute Law Revision (Ireland) Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Schedule.	
42 & 43 Vict. c. 25.	The Dispensary Houses (Ireland) Act, 1879.	
	In part; namely,—	
	Preamble.	*See Interp. Act.*
	The words "Commissioners of Her Majesty's" in sections three and six.	
42 & 43 Vict. c. 26.	The Salmon Fishery Law Amendment Act, 1879.	
	In part; namely,—	
	Preamble.	

Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 27.	The Convention of Royal Burghs (Scotland) Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Schedule.	
42 & 43 Vict. c. 28.	The Convention (Ireland) Act Repeal Act, 1879.	
	In part; namely,—	
	Title from "to repeal" to "Third, and."	
	Section one.	*Spent.*
42 & 43 Vict. c. 30.	The Sale of Food and Drugs Act Amendment Act, 1879.	
	In part; namely,—	
	Section eight.	*Rep. as to municipal boroughs, 45 & 46 Vict. c. 50. ss. 5, 260 (2). Other boroughs dissolved.*
42 & 43 Vict. c. 32.	The Army Discipline and Regulation (Commencement) Act, 1879.	
	In part; namely,—	
	The whole Act, except section six.	*Spent so far as unrepealed.*
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two.	
	Section three, to "of this Act."	
42 & 43 Vict. c. 35.	The Public Loans Remission Act, 1879.	*Spent.*
42 & 43 Vict. c. 36.	The Customs Buildings Act, 1879.	
	In part; namely,—	
	Section two, from "the Commissioners" where those words thirdly occur to "called."	*As to ss. 2, 6, see Interp. Act. S. 7 spent.*
	Section six, the words "Commissioners of the" and "Her heirs or successors."	
	Section seven.	
42 & 43 Vict. c. 38.	The Slave Trade (East African Courts) Act, 1879.	
	In part; namely,—	
	Section two, to "as follows," and from "so much" to the end of the section.	*Spent.*
	Section three, to "as follows."	
42 & 43 Vict. c. 39.	The Highway Accounts Returns Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section three.	
	Schedule.	
42 & 43 Vict. c. 40.	The Conveyancing (Scotland) Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two.	
	Section three, the words "from and after the commencement of this Act."	
	Section four.	

Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 42.	The Valuation of Lands (Scotland) Amendment Act, 1879.	
	In part; namely,—	
	Preamble.	*Parts of ss.* 4, 5 *virt. rep. and sup.* 52 & 53 *Vict. c.* 50.
	Section two.	
	Section four, to "Act," from "to the Commissioners" to "county, but" and from "a standing" to "to be called."	*Rest spent.*
	Section five, subsection (1) from "at their statutory" to "adjournment thereof," and subsections (4), (6), and (7).	
42 & 43 Vict. c. 43.	An Act the title of which begins with the words "An Act to make" and ends with the words "that Act."	
	In part; namely,—	
	Preamble.	*Spent.*
	Section one.	
	Section four, to "this Act."	
42 & 43 Vict. c. 44.	The Lord Clerk Register (Scotland) Act, 1879.	
	In part; namely,—	
	Section one, to "this Act."	*Spent, and as to s.* 8, *see Interp. Act.*
	Section five, to "Esquire" and the words "her heirs and successors."	
	Section eight, the words "Commissioners of Her Majesty's" twice occurring, and "from and after the passing of this Act."	
	Section twelve.	
42 & 43 Vict. c. 46.	The Annual Turnpike Acts Continuance Act, 1879.	*Expired.*
42 & 43 Vict. c. 47.	The Petroleum Act, 1879.	
	In part; namely,—	
	Section two, to "therefore enacted that."	*Spent.*
	Section four to six.	
	Second Schedule.	
42 & 43 Vict. c. 48.	The Elementary Education (Industrial Schools) Act, 1879.	
	In part; namely,—	
	Preamble.	*Sup. Short Titles Act.*
	Section one, from "This Act and" to the end of the section.	
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	
	In part; namely,—	
	Section three.	*As to s.* 49 *see Interp. Act.*
	Section forty-nine, so far as relates to the expression Secretary of State.	*Rest spent.*
	Section fifty-five to "had not been enacted."	
	Second Schedule.	
42 & 43 Vict. c. 50.	The Bills of Sale (Ireland) Act, 1879.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two, to "operation on" and the words "which day."	
	Section twenty-three, to "be repealed."	

Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 51.	The Appropriation Act, 1879.	*Spent.*
42 & 43 Vict. c. 53.	The Municipal Elections (Ireland) Act, 1879. In part; namely,— Section three.	 *Spent.*
42 & 43 Vict. c. 54.	The Poor Law Act, 1879. In part; namely,— Section three. Section five, to "as follows." Section seven, to "as follows." Section ten, to "as follows." Section twelve, to "as follows."	 *Spent.*
42 & 43 Vict. c. 55.	The Prevention of Crime Act, 1879. In part; namely,— Section one. Section two, to "therefore enacted as follows." Section three.	 *Spent.*
42 & 43 Vict. c. 56.	The Regulation of Railways Acts, 1873 and 1874, Continuance Act, 1879.	*Spent.*
42 & 43 Vict. c. 58.	The Public Offices Fees Act, 1879. In part; namely,— Section two, from the "Commissioners" to "referred to as." Section eight, to "repealed; and."	 *As to s. 2. see Interp. Act.* *Part of s. 8. spent.*
42 & 43 Vict. c. 59.	The Civil Procedure Acts Repeal Act, 1879. In part; namely,— Preamble. Section three to "Act." Schedule.	 *Spent.*
42 & 43 Vict. c. 60.	An Act, the title of which begins with the words "An Act to enable" and ends with the words "of India." In part; namely,— Preamble. Section one, from "at any time" to "this Act." Section nine, to "such capital stock." Section sixteen.	 *Spent.*
42 & 43 Vict. c. 62.	The Exchequer Bills and Bonds Act, 1879.	*Spent.*
42 & 43 Vict. c. 65.	The University Education (Ireland) Act, 1879. In part; namely,— Preamble. Section five, from "at their" to "afterwards." Section six, to "Majesty." Section nine, to "enacted that" and the words "or other Chief Governor or Governors of Ireland" twice occurring.	

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Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 65. —*cont.*	Section ten, from "or other" to "of Ireland."	
	Section eleven, to "confer degrees."	
	Section twelve, the words "on the dissolution of the Queen's University."	
42 & 43 Vict. c. 66.	The Endowed Schools Acts Continuance Act, 1879.	*Spent.*
42 & 43 Vict. c. 67.	The Expiring Laws Continuance Act, 1879.	*Spent.*
42 & 43 Vict. c. 68.	The Metropolitan Board of Works Indemnity Act, 1879.	*Spent.*
42 & 43 Vict. c. 70.	The Vaccination Amendment (Ireland) Act, 1879.	
	In part; namely,—	
	Section three, the words "after the passing of this Act."	*Spent.*
	Section six, to "repealed; and."	
	Section thirteen.	
	Second Schedule.	
42 & 43 Vict. c. 71.	The Registry Courts (Ireland) Amendment Act, 1879.	
	Preamble.	*Spent.*
	Section three.	
42 & 43 Vict. c. 72.	The Shipping Casualties Investigations Act, 1879.	
	In part; namely,—	
	Section two, the words "the High Court of Admiralty or."	*As to s. 2, the H. C. of A. is now amalgamated with High Court.*
	Section three, sub-section (4).	
	Section five.	*Pt. of s. 3 falls with rep. of s. 438 of M. S. Act, and as regards repealed words is spent.*
		S. 5 spent.
42 & 43 Vict. c. 73.	The Commissioners of Woods (Thames Piers) Act, 1879.	
	In part; namely,—	
	Title, the words "Her Majesty's" and "and Forests and Land Revenues."	*See Interp. Act.*
	Preamble.	
	Section two, the words "Commissioners of Her Majesty's" and the word "hereafter."	
42 & 43 Vict. c. 74.	The National School Teachers (Ireland) Act, 1879.	
	In part; namely,—	
	Preamble.	*As to ss. 2, 8, see Interp. Act.*
	Section one, from "and shall" to the end of the section.	*S. 12 virt. rep. 47 & 48 Vict. c. 45 s. 2.*
	Section two, so far as relates to the Lord Lieutenant and the Treasury.	*Rest spent.*
	Section eight, the words "Commissioners of Her Majesty's."	
	Section nine, to "this Act."	
	Section ten, to "this Act."	
	Section twelve.	

Reign and Chapter.	Title.	Remarks.
42 & 43 Vict. c. 76.	The Companies Act, 1879. In part; namely,—	
	Section three, from "and those Acts" to the end of the section.	*Spent.*
	Section six, to "as follows."	
42 & 43 Vict. c. 77.	The Public Works Loans Act, 1879. In part; namely,—	
	Preamble.	*Spent.*
	Section two, the words "Lords Commissioners of the."	
	Section four, the words "Commissioners of Her Majesty's."	
	Section five.	
	Sections nine, ten, and eleven.	
	Schedule.	
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879. In part; namely,—	
	Section two.	*Spent.*
	Section six, from "the existing record" to "respective offices."	
	Section seven, from "Provided that" to the end of the section.	
	Section eight, sub-section (1), in sub-section (2) the words "the existing Queen's coroner and attorney and" and "other than the Queen's coroner and attorney"; sub-section (3).	
	Section fourteen, sub-sections (1) and (2)	
	Section twenty-nine, to end of sub-section (1), and sub-section (3).	
	First Schedule, First and Second Parts.	
	Second Schedule.	
43 Vict. c. 1.	The Seed Supply (Ireland) Act, 1880. In part; namely,—	
	Section three, the words "Commissioners of Her Majesty's."	*Spent.*
	Sections eight to ten, and fourteen.	
43 Vict. c. 3.	The Indian Salaries and Allowances Act, 1880. In part; namely,—	
	Section five.	*Spent.*
	Second Schedule.	
43 Vict. c. 4.	The Relief of Distress (Ireland) Act, 1880. In part; namely,—	
	Section two, the definition of Lord Lieutenant.	*As to s. 2 see Int. Act. S. 3 continued by* 44 *Vict. c. 4. s. 2. till Sept.* 30, 1882, *and no longer.*
	Section three.	
	The words "Commissioners of the" in sections six, thirteen, seventeen, and nineteen.	*Rest spent.*
	Section eight.	
	Section eighteen, the words "Commissioners of Her Majesty's."	
	Section twenty-one.	
43 Vict. c. 5.	The Consolidated Fund (No. 1) Act, 1880.	*Spent.*

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Reign and Chapter.	Title.	Remarks.
43 Vict. c. 6.	The Beer Dealers Retail Licenses Act, 1880.	
	In part; namely,—	
	Preamble from "and it is expedient."	*Spent.*
	Section one to "aforesaid; and."	
	Section two to "thenceforth."	
43 Vict. c. 7.	An Act to amend the Law in regard to charging Road Debts on Entailed Estates in Scotland.	
	In part; namely,—	
	Preamble.	
43 Vict. c. 9.	The Army Discipline and Regulation (Annual) Act, 1880.	*Expired.*
43 Vict. c. 10.	The East India Loan (East Indian Railway Debentures) Act, 1880.	
	In part; namely,—	
	Preamble.	
43 Vict. c. 11.	The India Stock (Powers of Attorney) Act, 1880.	
	In part; namely,—	
	Preamble.	
43 Vict. c. 13.	The Appropriation Act, 1880.	*Spent.*
43 Vict. c. 14.	The Customs and Inland Revenue Act, 1880.	
	In part; namely,—	
	Preamble.	*S. 2 spent and virt. rep., 55 & 56 Vict. c. 16. s. 1.*
	Section two.	
	Sections four to seven.	*Ss. 4–7 spent.*
	Section ten, sub-section (1), from "in conformity" to "eighty-four," sub-section (3), from "in conformity" to the end of the sub-section, and in sub-section (4) the words "Commissioners of Her Majesty's."	*As to s. 10, see Interp. Act.*
43 Vict. c. 16.	The Exchequer Bills and Bonds Act, 1880.	*Spent.*
43 Vict. c. 17.	The Town Councils and Local Boards Act, 1880.	
	In part; namely,—	
	Section one, sub-section (2), paragraph (a), and the whole Act except as to Ireland.	*The Act is virt. rep. as to E. by 45 & 46 Vict. c. 50. s. 5.*
43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	
	In part; namely,—	
	Title, from "the Conveyance" to "Practices at" and the words "and the Acts relating to Election Petitions."	*Parts of title fall with repeal of ss. 2, 4.*
	Preamble.	
43 Vict. c. 19.	The Companies Act, 1880.	
	In part; namely,—	
	Section two, from "and the said" to the end of the section.	*Sup. Short Titles Act.*

Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 1.	The Public Works Loans Act, 1880, In part; namely,—	
	The whole Act except section three.	*Spent.*
	Section three to "as follows," and the words "Commissioners of Her Majesty's."	
43 & 44 Vict. c. 2.	The Glebe Loan (Ireland) Acts Amendment Act, 1880.	*S. 2. is already repealed by* 46 *&* 47 *Vict. c.* 8, *s.* 2. *Rest falls.*
43 & 44 Vict. c. 3.	The Consolidated Fund (No. 1) Act, 1880 (Session 2).	*Spent.*
43 & 44 Vict. c. 4.	The Judicial Factors (Scotland) Act, 1880. In part; namely,—	
	Preamble.	*Parts of s.* 6. *virt. rep.* 52 *&* 53 *Vict. c.* 39. *s.* 16.
	Section two.	
	Section four, to "Act" where first occurring.	*Rest spent.*
	Section six from "into the fee" to "recited Act" and the words "out of the said fee fund."	
43 & 44 Vict. c. 5.	The County Bridges Loans Extension Act, 1880. In part; namely,—	
	Section two, the words "on mortgage of the county rate," and from "in the same manner" to the end of the section.	*Virt. rep. Local Govt. Act.*
43 & 44 Vict. c. 6.	The House Occupiers in Counties Disqualification Removal Act, 1880. In part; namely,—	
	Preamble.	*Spent.*
	Section two, to "this Act."	
43 & 44 Vict. c. 7.	The Union Assessment Act, 1880. In part; namely,—	
	Preamble.	
43 & 44 Vict. c. 8.	The Isle of Man Loans Act, 1880. In part; namely,—	
	Preamble.	*Spent.*
	Section eleven.	
	Second Schedule.	
43 & 44 Vict. c. 9.	The Statutes (Definition of Time) Act, 1880. In part; namely,—	
	Preamble.	
43 & 44 Vict. c. 10.	The Great Seal Act, 1880. In part; namely,—	
	Sections two and six.	*S.* 2 *spent.*
	Section four, to "as follows."	*S.* 6 *falls with repeal of s.* 3. *and of* 14 *&* 15 *Vict. c.* 82. *by* 47 *&* 48 *Vict. c.* 30. *s.* 5.

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Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 11.	The Universities of Oxford and Cambridge (Limited Tenures) Act, 1880.	*Spent.*
43 & 44 Vict. c. 12.	The Annual Turnpikes Acts Continuance Act, 1880.	*Spent.*
43 & 44 Vict. c. 13.	The Births and Deaths Registration Act (Ireland), 1880. In part; namely,— Preamble. The words "after the commencement of of this Act" in sections nine and ten. Section thirty, from "or to imprisonment" to "two years." Section forty-two, from "and that Act" to the end of the section. Section forty-four. Fourth Schedule.	 *S.* 30 *as to pt. in col.* 2 *sup. P. Servitude Act*, 1890. *S.* 42 *as to pt. in col.* 2 *sup. Short Titles Act.* *S.* 44 *and 4th Sched. spent.*
43 & 44 Vict. c. 14.	The Relief of Distress (Ireland) Amendment Act, 1880. In part; namely,— Section nine. Sections eleven and twelve. Section sixteen, the definition of Lord Lieutenant.	 *Spent.*
43 & 44 Vict. c. 15.	The Industrial Schools Act Amendment Act, 1880. In part; namely,— Preamble.	
43 & 44 Vict. c. 16.	The Merchant Seamen (Payment of Wages and Rating) Act, 1880. In part; namely,— Section one, from "and those Acts" to the end of the section. Section ten, the words "from the commencement of this Act." Section eleven, to "said Act; and." Section twelve. Second Schedule.	 *S.* 1 *as to pt. in col.* 2 *sup. Short Titles Act.* *Rest spent.*
43 & 44 Vict. c. 17.	The Revenue Offices (Scotland) Holidays Act, 1880. In part; namely,— Section one, to "Act" where first occurring, and from "and the anniversary" to the end of the section.	 *Spent.*
43 & 44 Vict. c. 18.	The Merchant Shipping Act, 1854, Amendment Act, 1880. In part; namely,— Preamble. Section two, to "enacted that."	 *Spent.*

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Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 19.	The Taxes Management Act, 1880. In part; namely,—	
	Section three.	*S.* 20 (1) *to* (6) *virt. rep.* 56 *&* 57 *Vict. c.* 61. *s.* 2, *but latter words of repeal in that Act are not precise.*
	Section four, sub-sections (1) and (2).	
	Section five, from "the Income Tax Act, 1842," where those words last occur, to the end of sub-section (1).	
	Section twenty, sub-sections (1) to (6).	
	Section forty-one, sub-section (2).	*Ss.* 41 (2), 47, 80, *and First Schd. virt. rep.* 54 *&* 55 *Vict. c.* 13. *s.* 4.
	Section forty-seven.	
	Section eighty.	
	First and Third Schedules.	*Rest spent.*
43 & 44 Vict. c. 20.	The Inland Revenue Act, 1880. In part; namely,—	
	Title, the words "to repeal the duties on Malt."	*Spent, and as to ss.* 10, 11, *see Interp. Act.*
	Preamble.	
	Sections three to nine.	
	Section ten, to "eighty" and the words "her heirs and successors."	
	Section eleven, to "eighty" and the words "her heirs and successors."	
	Section thirty-six, to "eighty."	
	Section forty-one, to "now payable."	
	Section forty-two, to "eighty."	
	Section forty-three, to "now payable."	
	Sections forty-nine to fifty-one.	
	Section fifty-seven, the words "after the passing of this Act."	
	Second Schedule.	
43 & 44 Vict. c. 21.	The Exchequer Bills and Bonds Act, 1880 (Session 2.)	*Spent.*
43 & 44 Vict. c. 22.	The Merchant Shipping (Fees and Expenses) Act, 1880. In part; namely,—	
	Section one, from "and together" to the end of the section.	*Spent.*
	Section two.	
	Section three, to "as follows."	
	Section seven.	
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880. In part; namely,—	
	Preamble.	*As to s.* 1. *see Short Titles Act.*
	Section one, from "and that Act" to the end of the section.	*Rest spent.*
	Section two, from "after the thirty-first" to "eighty" and from "Provided that" to the end of the section.	
	Section four, from "Provided that" to the end of the section.	
	Section six.	
	Schedule.	

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Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 24.	The Spirits Act, 1880. In part; namely,— Section two. The words "Scotland or" in sections one hundred and forty-four and one hundred and forty-five. Section one hundred and forty-six, from "in Scotland" to "pounds or." Section one hundred and sixty-four, to "Provided that," and from "and this repeal" to the end of the section. Fifth Schedule.	*As to ss.* 2, 164, *spent.* *Parts of ss.* 144–146 *virt. rep.* 44 & 45 *Vict. c.* 33.
43 & 44 Vict. c. 26.	The Married Women's Policies of Assurance (Scotland) Act, 1880. In part; namely,— Preamble.	
43 & 44 Vict. c. 27.	The Drainage and Improvement of Lands (Ireland) Act, 1880. In part; namely,— Section one, from "and together" to the end of the section. Section two, to "of this Act."	*S.* 1, *as to part in col.* 2, *sup. Short Titles Act.*
43 & 44 Vict. c. 28.	An Act for taking the Census in Ireland.	*Spent.*
43 & 44 Vict. c. 29.	The Courts of Justice Building Amendment Act, 1880.	*Spent.*
43 & 44 Vict. c. 30.	The Consolidated Fund (No. 2) Act, 1880 (Session 2).	*Spent.*
43 & 44 Vict. c. 31.	The Railways Construction Amendment (Ireland) Act, 1880.	*Expired.*
43 & 44 Vict. c. 33.	The Post Office (Money Orders) Act, 1880. In part; namely,— Preamble. Section four, sub-section (4) from "that is to say" to "ninety-eight." Section seven, from "The Act" to the end of the section.	*Sup. Short Titles Act.*
43 & 44 Vict. c. 34.	The Debtors (Scotland) Act, 1880. In part; namely,— Section three. Section four, from "after" to "of this Act." Section five.	*Spent.*
43 & 44 Vict. c. 35.	The Wild Birds Protection Act, 1880. In part; namely,— Preamble. Section two, the words "steward and also" and "and steward substitute." Section three, the words "after the passing of this Act." Section seven.	*S.* 7, *spent.*

Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 36.	The Savings Banks Act, 1880. In part; namely,— Section one, to "enacted as follows" and the words "after the passing of this Act" and "Governor and Company of the." Section five, so far as relates to the definition of Postmaster-General Treasury, and National Debt Commissioners. Section seven. Section eight, from "Each of" to the end of the section. Schedule.	*As to ss.* 1, 5. *see Interp. Act.* *S.* 8, *as to part in col.* 2, *sup. Short Titles Act.* *Rest spent.*
43 & 44 Vict. c. 37.	The Census Act, 1880.	*Spent.*
43 & 44 Vict. c. 38.	The Census (Scotland) Act, 1880.	*Spent.*
43 & 44 Vict. c. 39.	The County Court Jurisdiction in Lunacy (Ireland) Act, 18 In part; namely,— Section two, to "Act" where first occurring.	*Spent.*
43 & 44 Vict. c. 40.	The Appropriation Act, 1880 (Session 2.)	*Spent.*
43 & 44 Vict. c. 41.	The Burial Laws Amendment Act, 1880. In part; namely,— Preamble. Section one, the words "After the passing of this Act." Section thirteen to "this Act."	*Spent.*
43 & 44 Vict. c. 42.	The Employers Liability Act, 1880. In part; namely,— Section one, the words "after the commencement of this Act." Section nine.	*Spent.*
43 & 44 Vict. c. 43.	The Merchant Shipping (Carriage of Grain) Act, 1880. In part; namely,— Section one, from "and together" to the end of the section. Section two. Section eleven.	*As to s.* 1. *see Short Titles Act.* *Ss.* 2, 11, *spent.*
43 & 44 Vict. c. 46.	The Universities and College Estates Amendment Act, 1880. In part; namely,— Preamble. Section one, from "and this Act" to the end of the section. Section five, to "enacted that" and the words "for England." Schedule, the words "Governor and Company of the" twice occurring.	*As to s.* 1. *see Short Titles Act.* *As to s.* 5, *and Sched. see Interp. Act.*

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Reign and Chapter.	Title.	Remarks.
43 & 44 Vict. c. 47.	The Ground Game Act, 1880. In part; namely,— Preamble. Section five, from "For the purposes" to "of this Act."	 *Spent.*
43 & 44 Vict. c. 48.	The Expiring Laws Continuance Act, 1880.	*Spent.*
44 & 45 Vict. c. 1.	The Consolidated Fund (No. 1) Act, 1881.	*Spent.*
44 & 45 Vict. c. 2.	The Burial and Registration Acts (Doubts Removal) Act, 1881. In part; namely,— Preamble.	
44 & 45 Vict. c. 3.	The Judicial Committee Act, 1881. In part; namely,— Preamble.	
44 & 45 Vict. c. 4.	An Act for the better Protection of Person and Property in Ireland.	*Expired.*
44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881. In part; namely,— Section four, the words "to the Lord Lieutenant." Section five, from "and elsewhere" to the end of the section. Section six, from "the expression Lord" to "time being." Section eight.	 *As to ss.* 4, 6. *See Interp. Act.* *Part of s.* 5 *virt. rep. and sup.* 49 & 50 *Vict. c.* 24. *S.* 8 *spent.*
44 & 45 Vict. c. 6.	The Local Taxation Returns (Scotland) Act, 1881. In part; namely,— Preamble. Section two, from "The first" to "year."	 *Spent.*
44 & 45 Vict. c. 8.	The Consolidated Fund (No. 2) Act, 1881.	*Spent.*
44 & 45 Vict. c. 9.	The Army Discipline and Regulation (Annual) Act, 1881.	*Ss.* 4–7 *rep. by* 44 & 45 *Vict. c.* 58. *Residue spent.*
44 & 45 Vict. c.10.	The Inland Revenue Buildings Act, 1881. In part; namely,— Section two, the words "her heirs and successors" and from "Commissioners" where secondly occurring to "called the" Section six, the words "Her Majesty's" when first occurring, and "Commissioners of Her Majesty's."	 *See Interp. Act.*

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 11.	The Sea Fisheries (Clam and Bait Beds) Act, 1881.	
	In part; namely,—	
	Section three, from "The justices" to "in Scotland."	*The Act is rep. as to England 51 & 52 Vict. c. 54.*
44 & 45 Vict. c. 12.	The Customs and Inland Revenue Act, 1881.	
	In part; namely,—	
	Preamble.	*S. 2. sup. 55 & 56 Vict. c. 16 s. 1.*
	Section two.	
	Section three, to "Tariff Act, 1876."	*As to ss. 18, 29, see Interp. Act.*
	Section fourteen to "eighty-one."	
	Section eighteen, the words "Commissioners of Her Majesty's."	*Rest spent.*
	Sections nineteen to twenty-two.	
	Section twenty-seven, to "inventories in Scotland."	
	Section twenty-eight, to "eighty-one."	
	Section twenty-nine, the words "Commissioners of Her Majesty's."	
	Section forty-eight.	
	Schedule.	
44 & 45 Vict. c. 13.	The Municipal Elections Amendment (Scotland) Act, 1881.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section six.	
44 & 45 Vict. c. 14.	The South Wales Bridges Act, 1881.	
	In part; namely,—	
	Preamble.	*Ss. 3, 4 sup. Local Government Act, 1888. See now Highways Act, 1878, s. 22, 43 & 44 Vict. c. 5. s. 2.*
	Sections three and four.	
44 & 45 Vict. c. 15.	The Consolidated Fund (No. 3) Act, 1881.	*Spent.*
44 & 45 Vict. c. 17.	The Tramways (Ireland) Amendment Act, 1881.	
	In part; namely,—	
	Preamble.	*As to s. 3, see Interp. Act.*
	Section three, from "or other" to "time being."	*Rest spent.*
	Section four, to "this Act."	
	Section six, to "this Act."	

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Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 18.	The Petty Sessions Clerks (Ireland) Act, 1881. In part; namely,— Preamble. Section one, the words "after the passing of this Act." Section two, from "or Lords" to "of Ireland."	*Spent, and as to s. 2, see Interp. Act.*
44 & 45 Vict. c. 19.	An Act for further regulating the Transmission of Newspapers. In part; namely,— Section two, to "repealed, but."	*Spent.*
44 & 45 Vict. c. 20.	The Post Office (Land) Act, 1881. In part; namely,— Section one, the second paragraph. Section two. Section three, to "as follows." Section five, the second paragraph. Section eight, so far as relates to the Treasury. Schedule.	*Part 1 of s. 1, and schedule sup. by Short Titles Act, s. 2, spent. As to s. 8, see Interp. Act.*
44 & 45 Vict. c. 21.	The Married Women's Property Act, 1881. In part; namely,— Preamble. The words "after the passing of this Act" in sections six and seven.	*Spent.*
44 & 45 Vict. c. 22.	The Bankruptcy and Cessio (Scotland) Act, 1881. In part; namely,— Section three.	*Spent.*
44 & 45 Vict. c. 23.	The Court of Bankruptcy (Ireland) Officers and Clerks Act, 1881. In part; namely,— The words "the Commissioners of" in sections two and three. Section two, to "repealed. But" and the words "Commissioners of Her Majesty's" and "Commisioners of the." Section three, the words "the Commissioners of."	*Pt. of s. 2 spent. Rest sup. Interp. Act.*
44 & 45 Vict. c. 24.	The Summary Jurisdiction (Process) Act, 1881. In part; namely,— Section three. Section eight, so far as it defines the Summary Jurisdiction Acts.	
44 & 45 Vict. c. 25.	The Incumbents of Benefices Loans Extension Act, 1881. In part; namely,— Section one so far as it authorises the extension of the term fixed for the repayment of any money. Section two, to "hereof and."	*Spent.*

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 28.	The Local Government Board (Ireland) Amendment Act, 1881.	
	In part; namely,—	
	Sections one and two.	*Spent.*
44 & 45 Vict. c. 29.	The Reformatory Institution (Ireland) Act, 1881.	
	In part; namely,—	
	Preamble.	
44 & 45 Vict. c. 30.	The Customs (Officers) Act, 1881.	
	In part; namely,—	
	Preamble.	*Sup. Interp. Act.*
	Section two, the words "Commissioners of Her Majesty's" where secondly occurring.	
44 & 45 Vict. c. 31.	The Annual Turnpike Acts Continuance Act, 1881.	*Expired.*
44 & 45 Vict. c. 32.	The Public Loans (Ireland) Remission Act, 1881.	*Spent.*
44 & 45 Vict. c. 33.	The Summary Jurisdiction (Scotland) Act, 1881.	
	In part; namely,—	
	Preamble.	*S.* 2 *spent.*
	Section two.	*S.* 9 *as to pt. in col.* 2 *virt. rep.* 50 *&* 51 *Vict. c.* 35. *s.* 44.
	Section three, from "and the thirty-second" to "repealed."	
	Section nine, the words "at Edinburgh or on circuit."	
	Section eleven, from "And the twenty-fifth" to the end of the section.	
44 & 45 Vict. c. 34.	The Metropolitian Open Spaces Act, 1881.	
	In part; namely,—	
	Preamble.	
44 & 45 Vict. c. 35.	An Act to amend the Law relating to Coroners in Ireland.	
	In part; namely,—	
	Section one.	*Spent.*
	Section two, to "this Act."	
	Section three, to "eighty-one."	
	Section four, to "authorises," and from "to continue" to "such polling."	
	Section five, to "this Act."	
44 & 45 Vict. c. 36.	The British Honduras (Court of Appeal) Act, 1881.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section one, to "appointed by any such Order."	
	Repealed as to all Her Majesty's Dominions.	
44 & 45 Vict. c. 37.	The Alkali, &c., Works Regulation Act, 1881.	
	In part; namely,—	
	Section two.	*Spent.*
	Section eleven, the words "after the first day of April, 1882."	

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 37. —*cont.*	Section fourteen, from "at any time" to "Act, and" where those words next occur, the words "Commissioners of Her Majesty's" twice occurring, and from "The inspector" to "appointed under this Act."	
	Section nineteen, the words "Commissioners of Her Majesty's."	
	Section thirty.	
44 & 45 Vict. c. 38.	The Public Works Loans Act, 1881.	
	In part; namely,—	
	Preamble.	*Spent.*
	Sections two to five.	
	Section ten, to "shall cease," and from "in lieu" to "cease and."	
	Section eleven, to "as follows."	
	Sections fourteen and fifteen.	
44 & 45 Vict. c. 40.	The Universities Elections Amendment (Scotland) Act, 1881.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two, to "enacted that" and the words "on and after the passing of this Act" twice occurring, and sub-section (19).	
44 & 45 Vict. c. 41.	The Conveyancing and Law of Property Act, 1881.	
	In part; namely,—	
	Section fourteen, sub-section (7).	*Words in s.* 70 *fall with repeal of part of s.* 40 *of* 40 & 41 *Vict. c.* 18 *proposed by this Bill.*
	Section twenty-five, sub-section (6).	
	Section thirty, sub-section (2), and in sub-section (3) the words "including the repeals therein."	
	Section sixty-eight.	*Rest spent.*
	Section sixty-nine, sub-section (10).	
	Section seventy, the words "notwithstanding the exception in section forty of that Act."	
	Section seventy-one.	
	Section seventy-two, sub-section (5), from "at any time" to the end of the section.	
	First Schedule.	
	Second Schedule.	
44 & 45 Vict. c. 42.	The Corrupt Practices (Suspension of Elections) Act, 1881.	*Expired.*
44 & 45 Vict. c. 45.	The Pedlar's Act, 1881.	
	In part; namely,—	
	Preamble.	*Spent.*
	Section two, the second paragraph.	
	Schedule.	

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 46.	The Patriotic Fund Act, 1881. In part; namely,— Preamble. Section five, the words "Commissioners of Her Majesty's."	*See Interp. Act.*
44 & 45 Vict. c. 49.	The Land Law (Ireland) Act, 1881. In part; namely,— Section six, to "herein-after mentioned," and from "From and after" to the end of the section. Section twenty-one, from "In any case in which" to the end of the section. Section thirty-nine, from "Notwithstanding" to the end of the section. Section forty-one, from "The first judicial" to "O'Hagan." Section forty-seven, from "The twenty-fourth" to the end of the section. Section fifty-five, from "after" to "eighty-one." Section fifty-seven, so far as relates to the definition of Lord-Lieutenant and Treasury. Section fifty-nine, except as to any existing charge and the repayment of any outstanding advance.	*Spent as to s. 57, see Interp. Act.*
44 & 45 Vict. c. 50.	The Consolidated Fund (No. 4) Act, 1881.	*Spent.*
44 & 45 Vict. c. 51.	The Wild Birds Protection Act, 1881. In part; namely,— Preamble. Section one, to "have effect."	*Spent.*
44 & 45 Vict. c. 52.	The Royal University of Ireland Act, 1881. In part; namely,— Section one, the words "From and after the passing of this Act," from "the sums following" to "thereafter" and from "the payment" to "of this Act."	*Spent.*
44 & 45 Vict. c. 53.	The East Indian Railway (Redemption of Annuities) Act, 1881. In part; namely,— Preamble.	
44 & 45 Vict. c. 54.	The Indian Loan Act, 1881.	*Spent, on redemption of the terminable annuity, under 47 Vict. c. 2, s. 3.*

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 55.	The National Debt Act, 1881. In part; namely,— Preamble. Section six, from "The expression Treasury" to "England" where that word last occurs.	
44 & 45 Vict. c. 56.	The Appropriation Act, 1881.	*Spent.*
44 & 45 Vict. c. 57.	The Regulation of the Forces Act, 1881. In part; namely,— Section fifty-two. Section fifty-four, to "Provided that" and sub-sections (*b*) and (*d*). Section fifty-five, to "as follows." Schedule.	*Spent.*
44 & 45 Vict. c. 58.	The Army Act. In part; namely,— Section one hundred and ninety, so far as it defines "Secretary of State, Lord "Lieutenant of Ireland, and Sum- "mary Jurisdiction Acts," and in sub-section (35), paragraphs (*a*) and (*b*).	*See Interp. Act.*
44 & 45 Vict. c. 59.	The Statute Law Revision and Civil Procedure Act, 1881. In part; namely,— Schedule.	*Spent.*
44 & 45 Vict. c. 60.	The Newspaper Libel and Registration Act, 1881. In part; namely,— Preamble. Section nine, from "on or before" to "annually." Section seventeen.	*Part of s.* 9 *spent.* *S.* 17 *sup. Interp. Act.*
44 & 45 Vict. c. 61.	The Sunday Closing (Wales) Act, 1881. In part; namely,— Preamble. Section three.	*Spent.*
44 & 45 Vict. c. 62.	The Veterinary Surgeons' Act, 1881. In part; namely,— Preamble. Section sixteen, the words "after the passing of this Act." Section seventeen, from "after the thirty-first" to "eighty-three" and the words "from and after the same day." Section nineteen, from "Act, 1848" to "either of those."	*Spent, and as to s.* 19, *see Interp. Act.*
44 & 45 Vict. c. 63.	The India Office Auditor Act, 1881. In part; namely,— Preamble.	

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 64.	The Central Criminal Court (Prisons) Act, 1881. In part; namely,—	
	Preamble.	*Part of s. 2 spent.*
	Section two, sub-section (5), from "So much of section nine" to the end of the sub-section.	*Part of s. 3 sup. by Short Titles Act.*
	Section three, the first paragraph.	
44 & 45 Vict. c. 65.	The Leases for Schools (Ireland) Act, 1881. In part; namely,—	
	Preamble.	
	Section two, the words "and her successors" and "and Forests."	
44 & 45 Vict. c. 66.	The Pollen Fishing (Ireland) Act, 1881. In part; namely,—	
	Section one, to "Act" where that word first occurs, and from "During the open" to "and eighty."	*Spent.*
44 & 45 Vict. c. 67.	The Petroleum (Hawkers) Act, 1881. In part; namely,—	
	Section three, the words "either before or after the passing of this Act."	*Spent.*
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881. In part; namely,—	
	Preamble.	*S. 27 virt. rep. and sup. 51 & 52 Vict. c. 43. s. 161.*
	Section two, to "present and" the word "future," from "cease to be" to "shall continue," the word "to" where it next occurs, from "the present Master" to "Provided also that."	*Rest spent.*
	Section three, to "up, and."	
	Section five, from "immediately" to "Act, and," and the word "afterwards."	
	Section eight, to "enacted that."	
	Section thirteen, from "The judges who" to "Act had not passed," and the words "whether before or after the passing of this Act."	
	Section fifteen, from "notwithstanding" to "Exchequer."	
	Section twenty-six, from "And whereas the present" to "abolished," and from "by the present" to "to that office."	
	Section twenty-seven.	

A.D. 1894.

Reign and Chapter.	Title.	Remarks.
44 & 45 Vict. c. 69.	The Fugitive Offenders Act, 1881. In part; namely,— Section eleven, from "or Lords" to "Ireland," and the words "of such Lord Lieutenant." Section thirty-nine, so far as it defines Secretary of State. Sections forty and forty-one. Schedule.	*As to ss.* 11, 39, *see Interp. Act.* *Ss.* 40, 41 *spent.*
44 & 45 Vict. c. 70.	The Expiring Laws Continuance Act, 1881.	*Expired.*
44 & 45 Vict. c 71.	The Irish Church Act Amendment Act, 1881. In part; namely,— Section two, to "said Corporation," and the words "them as," from "Provided always" to the end of sub-section (1), and the words "Governor and Company of the" in sub-section (2). Section three, from "Notwithstanding" to "Commission" where that word secondly occurs thereafter.	*Spent.*

SECOND SCHEDULE.

Reign and Chapter.	Title.	Remarks.
7 Will. 4. & 1 Vict. c. 41.	The Small Debt (Scotland) Act, 1837. In part; namely,— Section twenty-nine.	
4 & 5 Vict. c. 10.	An Act the title of which begins with the words "An Act for extending" and ends with the words "of Houses." In part; namely,— Preamble. The words "and be it enacted" in sections two and three.	

Statute Law Revision [H

A

B I L L

INTITULED

An Act for further promoting the Rev
of the Statute Law by repealing Enactm
which have ceased to be in force or
become unnecessary.

(*Brought from the Lords* 6 *August* 1894.)

Ordered, by The House of Commons, *to be printe*
10 *August* 1894.

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[Bill 354.]

A

B I L L

TO

Provide for Certificates to Persons in charge of Steam Engines and Boilers. A.D. 1894.

WHEREAS it is expedient that steam engines and boilers on land should be placed in charge of persons duly conversant, from practical experience, with their construction and management:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited for all purposes as the Engines and Boilers Act, 1894.

Extent and application of Act. **2.** This Act shall extend to the whole of the United Kingdom, but shall not apply to any boiler used exclusively for domestic purposes, or to any steam engine or boiler used in the service of Her Majesty, or to any steam engine or boiler used in propelling a steamship having a certificate from the Board of Trade in accordance with the Merchant Shipping Act Amendment Act, 1862, except in cases where such steamer is in dock and the certified engineer is off duty for the time being, when in such cases this Act shall apply to any person who may be placed in charge of steam donkey pumps, steam winches, or other machinery worked by steam on board the said vessel or steamer.

Commencement of Act. **3.** This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five*, which day is herein-after referred to as the commencement of this Act.

Definitions. **4.** In this Act "boiler" means any closed vessel used in any trade, manufacture, or mining, or other industrial employment on land for the generation or use, under pressure, of steam for the production of motive power; "engine" means any machinery used

A.D. 1894.

for a like purpose and worked by steam from a boiler, as herein defined; and "engine or boiler user" means every person who owns or uses in whole or in part, or who lets for hire, an engine or boiler.

The term "court of summary jurisdiction" means any court or justice of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, exercising jurisdiction in summary proceedings for the recovery of penalties.

"Examiner" means any person appointed to examine applicants for certificates of qualification under this Act.

"Horse power" means nominal, and shall not include "indicated" or other trade terms other than the words "nominal horse power."

Certificates of service.

5. Every person who, before the *first day of January one thousand eight hundred and ninety-five*, has had the practical control or management, for a period of not less than *one year*, of a steam engine exceeding five horse power, or steam boiler or any closed vessel for the generation of steam for such engine, at any works, railway, or manufactory in the United Kingdom, or on any river or coasting steamer of like power or pressure, shall be entitled to a certificate of service, to be delivered to him by the Board of Trade, on satisfactory proof that he has had such experience, and is a person of sobriety and general good conduct.

Seagoing engineers with certificates under this Act.

6. A certificate of competency issued to any engineer by the Board of Trade, under the Merchant Shipping Acts, shall be deemed to be a certificate of competency under this Act; and the holder thereof, when using it as a certificate of competency under this Act, shall be subject to the regulations in force under this Act, and to the penalties and liabilities imposed by this Act.

Appointment of examiners.

7. The Board of Trade shall from time to time appoint examiners with a practical and mechanical experience or knowledge of steam engines and boilers to conduct the examination of persons applying for first-class certificates of competency, and may from time to time make, alter, and revoke rules as to the qualification of the applicants, subject to the provisions of this Act, and fix districts for which any examiners are to be appointed, and determine the amount of remuneration of examiners, and make and alter regulations in relation to examinations, the qualifications to be required from applicants for certificates, and to the issuing and registration of certificates, and generally do all such acts as they think expedient in order to carry into effect the examination of applicants for certificates of competency.

Certificates of competency.

8. The Board of Trade shall deliver to every person who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety and general good conduct, a certificate of competency.

Notice of examinations.

9. Whenever such examiner or examiners shall hold an examination, they shall advertise the same in two local newspapers not less than fourteen days prior to such court being held.

Fees for examination.

10. The Board of Trade shall have power to charge as fees for examination or the granting of certificates at the following rates :— For applicants for examination or granting of first-class certificates the sum of *five shillings*, and in that of second-class certificates the sum of *two shillings and sixpence*.

Certificates cancelled or suspended.

11. The Board of Trade may at any time, whenever it appears expedient to do so, owing to the neglect, misconduct, or incompetency of any person holding a certificate, suspend, or cancel altogether, any certificate of competency or qualification; and they may at any time, on appeal being made to them by the person whose certificate has been suspended, and on production of evidence in favour of his appeal, re-issue any suspended certificate, with a statement to that effect appended thereon.

Register of certificates.

12. A register shall be kept by the Board of Trade, and printed annually, showing the names of persons who have received certificates from examiners, the date such were granted, or if suspended, the cause of the same, and if such suspension be cancelled, the reasons and conditions on which it has been re-issued.

Certificates first and second class.

13. Certificates under this Act shall be known as (*a*) first-class certificates, (*b*) second-class certificates, and (*c*) certificates of service, the first-class certificates being granted after examination by duly appointed examiners, and the second-class certificates by written applications to the Board of Trade, under conditions hereafter provided for.

Provisions as to persons in charge of steam engines or boilers.

14. In accordance with the provisions of this Act no person shall, after the *first day of January one thousand eight hundred and ninety-five*, be in charge of a steam engine exceeding five horse power, or steam boiler, or any closed vessel for the generation of steam for such steam engine, at any works, railway, or manufactory in the United Kingdom, or on any river or coasting steamer of like power or pressure, unless such person is in possession of a first-class certificate or a certificate of service; provided that on any works or establishment where there are more than one steam engine or boiler exceeding five horse power, it shall

A.D. 1894.

be sufficient for the purposes of this Act if there be one person constantly in charge who shall be the holder of a first-class certificate of competency or a certificate of service and the other persons shall be the holders of at least second-class certificates.

Second-class certificates.

15. The applicant for a second-class certificate shall do so in writing, on a prescribed form, to the Board of Trade; the application shall be accompanied by testimonials as to character and fitness, signed by not less than two persons who are holders of first-class certificates under this Act, provided that no person under eighteen years of age shall hold a certificate except only for the purpose of having the control or charge of an engine of not more than two horse power.

Locomotive engine drivers and stokers.

16. In the case of locomotive drivers and stokers employed on any railway in the United Kingdom, the conditions for the granting of first and second class certificates shall be as follows:—

Any locomotive fireman or stoker desiring to secure a first-class certificate shall make a written application to the Board of Trade, and if he satisfy the Board of Trade that for a period of not less than *six years* up to the date of such application he has continuously followed the occupation of a locomotive fireman or stoker, and satisfy the examiners under this Act that he has a practical knowledge of the construction or management of locomotive engines, and is of good character, he shall be entitled to a first-class certificate of competency.

Any person desiring to secure a second-class certificate shall make a written application to the Board of Trade, and if he satisfy the Board of Trade that he has been continuously employed, for a period of not less than *twelve months* up to the date of application, at work affording him a practical knowledge of the construction or management of locomotive engines, and is of good character, he shall be entitled to a second-class certificate.

Engine drivers at mines or collieries.

17. No person, unless in the possession of a first-class certificate under this Act, shall be placed in charge of, or have the control of, any steam engine used in connexion with any coal or other mines, for the purpose of winding minerals or workmen from said mines, nor shall any person employed about such mines have the control of any steam boilers, engines, or machinery other than winding engines, who is not in possession of a second-class certificate under this Act.

No person in charge of any winding engine in connexion with the working of any mine shall, under any pretext whatever, unless relieved by a person for that purpose, holding a first-class certificate,

absent himself or cease to have continual supervision of such winding engine during the time it is used in working the mine.

Evidence as to fitness of applicant.

18. Applicants for first-class certificates as colliery engine attendants shall produce evidence as to fitness by practical knowledge in the construction or management of steam engines, or steam boilers, or have been the holders of second-class certificates for at least *twelve months*, and during that period have had at least three months experience in assisting at a winding engine.

Evidence as to experience of applicant.

19. Applicants for second-class colliery engine attendants certificates must produce evidence that they have, within a period of two years prior to the date of examination, had at least *six months* experience as assistants in the working of engines or machinery used for mining purposes.

Proof as to hearing and eyesight.

20. Applicants for first or second class certificates must give satisfactory proof that neither their hearing or eyesight is defective, nor are they subject to any other mental or bodily infirmity likely to interfere with the efficient discharge of their duties.

Steam trams or traction engines.

21. No steam tram or steam traction engine shall be worked on any highway without the person in charge of same is in possession of a first-class certificate under this Act.

Further regulations as to portable engines.

22. Portable engines used for agricultural purposes, if under five horse power, shall be under the control of persons holding at least a second-class certificate; but if such portable engine exceeds five horse power, the same shall be under the control of a person holding a first-class certificate.

Small trading vessels, &c.

In cases of small trading vessels, fishing trawlers, pleasure yachts, or other vessels propelled by steam power, the steam engines or steam boilers of the same shall, if exceeding five horse power, be in charge of a person in possession of a first-class certificate, and in cases where the steam engines or steam boilers of such vessels do not exceed five horse power shall be in charge of a person possessing a second-class certificate, on conditions to be hereafter laid down by the Board of Trade.

Every engine or boiler to which this Act applies shall be placed and kept at all times, when at work, under the supervision of some person holding a certificate of qualification under this Act, and no one person shall undertake, operate, other than the supervision of a greater number of engines or boilers, or of engines or boilers situate at a greater distance from one another, than may be prescribed by any regulations of the Board of Trade for the time being in force.

A.D. 1894.

Every engine or boiler user shall keep a book or register in which he shall enter and keep entered every engine or boiler owned, used, or let for hire by him, with sufficient particulars as to situation and otherwise to enable the same to be identified; and he shall enter and keep entered in the said book or register the name of the person under whose charge, control, or supervision each such engine or boiler is placed for the time being; and he shall at all reasonable times produce every such book for inspection by any authorised person, and permit copies thereof to be taken by any such person.

The following shall be deemed authorised persons for the purposes of this section: Any examiner under this Act, any court of summary jurisdiction, any person nominated for the purposes of this section by the Board of Trade in writing under the hand of a secretary or assistant secretary of the Board of Trade.

Penalties for offences by engine or boiler users.

23. Any engine or boiler user who makes default in complying with any of the provisions of this Act, by the employment of persons other than those in possession of certificates, shall be liable on summary conviction to a penalty not less than *two pounds* and not exceeding *fifty pounds* for every such default.

Penalties for offences by persons in charge of engine.

24. Any person or persons undertaking the charge or control of steam engines or steam boilers contrary to the meaning or objects of this Act shall be liable on summary conviction to a penalty not less than *two pounds* and not exceeding *twenty pounds* for every such default.

Fees.

25. All fees received by examiners under this Act, or any regulations of the Board of Trade under this Act, shall be paid and accounted for to the Board of Trade in such manner as they direct, and shall be paid into the Exchequer.

Expenses.

26. *All expenses incurred by the Board of Trade for the payment of examiners or otherwise in carrying this Act into effect shall be defrayed out of moneys to be provided by Parliament.*

Steam Engines (Persons in Charge).

A

B I L L

To provide for Certificates to Persons in charge of Steam Engines and Boilers.

(*Prepared and brought in by Mr. John Wilson* (*Durham*), *Mr. Howell, Mr. Charles Fenwick, and Mr. Joseph Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 38.]

A

B I L L

TO

Compel the Masters of Steam Trawlers fishing in Scotland to hold Certificates of Competency.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited as the Masters of Steam Trawlers Certificate (Scotland) Act, 1894.

Application.

2. This Act shall apply only to Scotland and the parts of the sea adjoining to Scotland.

Masters of steam trawlers to hold a certificate.

3. On and after *the first day of January one thousand eight hundred and ninety-five,* no steam trawling vessel shall go to sea from or land fish in any port in Scotland, or sail in Scottish waters, unless the master thereof have obtained from the Board of Trade, and possess, a valid certificate either of competency or service; and every person who, having been engaged to serve as master of a steam trawling vessel, goes to sea from, or lands fish in, any port in Scotland, or sails in Scottish waters without being at the time entitled to and possessed of such a certificate as hereinbefore required, or who employs any person as master of a steam trawling vessel sailing from or landing fish in any port in Scotland, or sailing in Scottish waters, without ascertaining that he is at the time entitled to and possessed of such a certificate, shall for each such offence incur a penalty not exceeding *fifty pounds.*

Certificates may be suspended or cancelled for certain offences.

4. When the master of any steam trawling vessel shall be convicted of contravening any byelaw of the Scottish Fishery Board, in addition to the penalties which may be imposed on him under the Sea Fisheries Act, 1883, and the Sea Fisheries (Scotland) Amendment Act, 1885, it shall be lawful for the convicting judge,

A.D. 1894

if the contravention be a first offence, to suspend the said master's certificate for a period not exceeding *twelve months*, and if it be a second or subsequent offence, to suspend the said certificate for any such period longer than *twelve months* as the said judge may deem proper, or to cancel the said certificate entirely.

Mode of legal procedure.

5. All prosecutions for, and legal proceedings with regard to, offences and penalties under this Act shall be conducted in accordance with the forms prescribed by the Sea Fisheries (Scotland) Amendment Act, 1885.

Steam Trawlers (Scotland).

A

B I L L

To compel the Masters of Steam Trawlers fishing in Scotland to hold Certificates of Competency.

(*Prepared and brought in by Mr. Crombie, Mr. Anstruther, Mr. Renshaw, and Sir Wm. Wedderburn.*)

Ordered, by The House of Commons, *to be Printed*, 27 *April* 1894.

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[*Price* ½*d.*]

[Bill 200.]

A

B I L L

TO

Provide for the appointment of Stipendiary Magistrates in counties, and to amend the Law relating to the appointment of Stipendiary Magistrates in urban places and boroughs. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Stipendiary Magistrates Act, 1894.

Appointment of stipendiary magistrates.

2.—(1.) If the county council of any county in England or Wales shall deem it expedient that a stipendiary magistrate should be appointed for any petty sessional division or divisions within the county, the council may pass a resolution to that effect, and thereupon they may nominate three or more persons qualified as herein-after provided, and may present a petition for the appointment of one of such persons to the Secretary of State; and thereupon it shall be lawful for Her Majesty to appoint one of such persons whom the Secretary of State shall deem to be a fit person to that office.

(2.) The persons so nominated shall be barristers of not less than *five years* standing, but no estate qualification shall be necessary.

(3.) The county council may group two or more petty sessional divisions for the purposes of this Act, and in such case the stipendiary magistrate shall be appointed and act for the district of which such group of petty sessional divisions shall consist.

(4.) A stipendiary magistrate under this Act shall, by virtue of his office, be a justice for the county; he shall hold office during Her Majesty's pleasure: provided that if at the expiration of each term of *seven years* from and after his appointment the county

A.D.1894.

council shall, by a two-thirds majority, petition against his continuing to hold the office, he shall thereupon cease to hold such office, and a new stipendiary magistrate may be appointed in manner provided by this Act.

(5.) There shall be paid to a stipendiary magistrate appointed under this Act such yearly salary not exceeding, except with the consent of the council, that mentioned in the petition, as Her Majesty from time to time directs; such salary shall be paid by four equal quarterly payments out of a "special county fund," restricted to the division or divisions for which the appointment shall be made, and shall be deemed to be a contribution for "special county purposes" within the meaning of the Local Government Act, 1888.

51 & 52 Vict. c. 41. s. 68. (3).

(6.) On a vacancy a new appointment shall not be made until the council again make application as before the first appointment.

Amendment of 26 & 27 Vict. c. 97. and 45 & 46 Vict. c. 50. s. 161.

3. On a vacancy in or new creation of the office of stipendiary magistrate under the Stipendiary Magistrates Act, 1863, or the Municipal Corporations Act, 1882, the local board or council of a borough, as the case may be, may, in the byelaw or minute thereof, or petition under the said Acts, respectively nominate three or more persons, being barristers of not less than five years standing, and thereupon it shall be lawful for Her Majesty to appoint one of such persons whom the Secretary of State shall think to be a fit person to the office of stipendiary magistrate under the said respective Acts; and such stipendiary magistrate shall hold office during Her Majesty's pleasure: provided that if at the expiration of each term of seven years from and after his appointment the local board or council of the borough shall, by a two-thirds majority, petition against his continuing to hold the office, he shall thereupon cease to hold such office; and a new stipendiary magistrate may be appointed in manner provided by the said Acts respectively as amended by this Act.

Application.

4. This Act shall not apply to Scotland or Ireland.

Stipendiary Magistrates.

A

B I L L

To provide for the appointment of Stipendiary Magistrates in counties, and to amend the Law relating to the appointment of Stipendiary Magistrates in urban places and boroughs.

(*Prepared and brought in by*
Mr. Storey, Mr. Samuel Evans,
Mr. Lloyd-George, Sir Charles Dilke,
Mr. Dodd, Mr. Gourley, and Mr. John Wilson.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 361.]

Supreme Court (Officers) Bill.

MEMORANDUM ON BILL.

The object of clause 1 is to strengthen the safeguards in the existing law against the making of unnecessary appointments.

The necessity for clause 2 arises out of the fact that doubts have recently been raised whether Orders in Council regulating the Civil Service apply to the legal departments. They cannot be so applied without modification, but the Bill declares that the offices of the Supreme Court shall be regulated by orders of the Lord Chancellor, with the consent as far as expenditure is concerned of the Treasury; and orders based on similar principles to those recently laid down for the Civil Service are intended to be issued as soon as the power to make such orders is given.

Clause 3 is introduced in pursuance of undertakings frequently given in the House of Commons, when the estimates have been under discussion; although, in fact, the office of Queen's Remembrancer has for a considerable number of years been virtually abolished by consolidation with that of Senior Master of the Supreme Court.

A

B I L L

TO

Amend certain provisions of the Law with respect to Officers of the Supreme Court. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Amendment of 44 & 45 Vict. c. 48. s. 21. as to notice of vacancies in offices of Supreme Court.

1. Whereas by section twenty-one of the Supreme Court of Judicature Act, 1881, it is provided that upon the occurrence of any vacancy in the office of any officer of the Supreme Court, notice thereof shall be forthwith given to the Lord Chancellor and also to the Treasury by the senior continuing or surviving officer of the department in which the vacancy occurs, and no appointment shall be made to fill such vacancy within the period of *one month* next after the date of such notice without the assent of the Lord Chancellor, given with the concurrence of the Treasury, and the Lord Chancellor may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office, and it is expedient to amend the said section ; therefore

(1.) The said section shall have effect as if the words " within " the period of one month next after the date of such notice " were omitted therefrom.

(2.) The said section shall extend to a vacancy in the office of a county court registrar, and the notice of any such vacancy shall be given by the judge of the circuit to which the registrar is attached.

(3.) The provision to be made by the Lord Chancellor shall be made with the concurrence of the Treasury, and shall extend to the permanent discharge of the duties of the office.

A.D. 1894.

Power to make orders with respect to officers of the Supreme Court.

2.—(1.) The following matters shall be regulated by order to be made by the Lord Chancellor, subject, in any regulation affecting the expenditure of public funds, to the concurrence of the Treasury :—

(*a*) the number, qualifications, style, classification, duties, transfers, and attendance of officers; and

(*b*) the amalgamation of two or more offices, or the distribution of the duties of an officer among two or more officers; and

(*c*) their holidays, sick leave, and the temporary employment of substitutes; and

(*d*) their promotion, succession, age for retirement, and removal.

(2.) The right of filling a vacancy in an office formed by the amalgamation of offices or the distribution of the duties of a vacated office in pursuance of an order under this section, shall be vested in the Lord Chancellor.

(3.) Every order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made and shall be printed by the Queen's printer and published under the authority of Her Majesty's Stationery Office.

(4.) Any order made under this section may be made to apply to any officer, whether appointed before or after the *passing of this Act*, except that an order as to retirement or removal shall not apply to any officer appointed before the *passing of this Act* who holds office by statute during good behaviour.

Abolition of office of Queen's Remembrancer.

3. The office of Queen's Remembrancer is hereby abolished as from the next vacancy in that office, and all things required or authorised by law to be done by or before the Queen's Remembrancer may be done by or before the senior Master of the Supreme Court in the Queen's Bench Division.

Short title.

4. This Act may be cited as the Supreme Court of Judicature (Officers) Act, 1894, and shall be read with the Judicature Acts, 1873 to 1891.

Supreme Court (Officers).

A

B I L L

To amend certain provisions of the Law with respect to Officers of the Supreme Court.

(*Prepared and brought in by Mr. Secretary Asquith, Mr. Attorney-General, Mr. Solicitor-General, and Sir John Hibbert.*)

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[*Price* 1*d.*]

[Bill 301.]

Supreme Court of Judicature (Procedure) Bill.

[H.L.]

MEMORANDUM ON BILL.

The main object of this Bill is to deal with the subject of appeals (in clause 1), respecting which the Council of Judges of the Supreme Court in their recent report to the Secretary of State observed that "although the number of cases in which appeals in "matters of practice have been carried to several successive courts "does not appear large, the Council recommend that the oppor- "tunity of using so many stages of appeal should be taken away." There can be no doubt that the threat of carrying a case from court to court in successive appeals can be and is used as an oppressive instrument in litigation.

The object of clause 2 is to improve the procedure on appeals from quarter sessions, and to give the High Court on such appeals the same powers as it has on appeals from county courts.

Clause 3 is designed to diminish by Rules of Court the elaboration of evidence in certain proceedings where economy and dispatch are of the essence of justice.

Supreme Court of Judicature (Procedure) Bill.

[H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

Appeals.

1. Regulations as to appeals.
2. Appeals from quarter sessions.

Rules of Court.

3. Explanation of power to make rules.
4. Amendment of provisions as to Rule Committee.
5. Power to make rules of court as to enactments in schedule.

Short Title.

6. Short title, and commencement.

A

B I L L

INTITULED

An Act to amend the Supreme Court of Judicature Acts. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appeals.

Regulations as to appeals.

1.—(1.) No appeal shall lie—

(*a*) from an order allowing an extension of time for appealing from a judgment or order; nor

(*b*) without the leave of the Judge, or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by a Judge, except in the following cases, namely—

(i.) where the liberty of the subject or the custody of infants is concerned; and

(ii.) cases of granting or refusing an injunction or appointing a receiver; and

(iii.) any decision determining the claim of any creditor or the liability of any contributory, or the liability of any director or other officer under the Companies Acts, 1862 to 1890, in respect of misfeasance or otherwise; and

(iv.) any decree nisi in a matrimonial cause, and any judgment or order in an admiralty action determining liability; and

(v.) any order on a special case stated under the Arbitration Act, 1889; and 52 & 53 Vict. c. 49.

(vi.) such other cases, to be prescribed by rules of court, as may in the opinion of the authority for making such rules be of the nature of final decisions.

(2.) No appeal shall lie from an order of a Judge giving unconditional leave to defend an action.

A.D. 1894.

(3.) In matters of practice and procedure every appeal from a Judge shall be to the Court of Appeal.

(4.) In all cases where there is a right of appeal to the High Court from any court or person, the appeal shall be heard and determined by a Divisional Court constituted as may be prescribed by rules of court; and the determination thereof by the Divisional Court shall be final, unless leave to appeal is given by that court or by the Court of Appeal.

(5.) An application for leave to appeal may be made ex parte or otherwise, as may be prescribed by Rules of Court.

Appeals from quarter sessions.

2.—(1.) Every case stated by a court of quarter sessions otherwise than under the Acts eleven and twelve Victoria, chapter seventy-eight, and twelve and thirteen Victoria, chapter forty-five, for the consideration of the High Court shall be deemed to be an appeal, and shall be heard and determined accordingly.

(2.) On the hearing of any appeal from a court of quarter sessions the appellate court may draw any inference of fact which might have been drawn in the court of quarter sessions, and may give any judgment or make any order which ought to have been given or made by that court, or may remit the order, and in criminal matters the conviction with the order, and the case stated on it, with the opinion or direction of the appellate court, for re-hearing and determination by the court of quarter sessions, or may remit the case for re-statement.

(3.) On the hearing of any such appeal the appellate court shall have full power to determine how and by whom the costs of the proceedings in the appellate court and in the court of quarter sessions are to be borne.

(4.) The judgment on any such appeal, or, where an appeal to a court of quarter sessions has been directed to be entered for re-hearing, then that appeal, shall, on motion by any party to the appeal, be entered at the sessions next or next but one after the delivery of the judgment, or the giving of the direction, and shall, unless the appellate court otherwise directs, have effect as if the judgment had been given, or, in case of an appeal directed to be re-heard, the appeal had been heard and determined, by the court of quarter sessions at the time of the decision in respect of which the appeal from quarter sessions was brought, and entry and respite of any appeal to quarter sessions in respect of which a case has been stated for the consideration of the High Court shall not be necessary.

Rules of Court. A.D. 1894.

Explanation of power to make rules.

3. It is hereby declared that the power to make rules conferred by the Judicature Acts, 1873 to 1891, includes power to make rules for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given:—

(*a.*) On any application in any matter or proceeding relating to the distribution of any fund or property, whether in court or not; and

(*b.*) On any application upon summons for directions pursuant to such rules.

Amendment of provisions as to Rule Committee. 39 & 40 Vict. c. 59. 44 & 45 Vict. c. 68.

4. The persons in whom the power of making rules of court pursuant to section seventeen of the Appellate Jurisdiction Act, 1876, and section nineteen of the Supreme Court of Judicature Act, 1881, is vested, shall include the President of the Incorporated Law Society for the time being, and shall also include two persons (one of whom shall be a practising barrister) to be appointed for the purpose in the same manner as the four judges in the last-mentioned section referred to.

Power to make rules of court as to enactments in schedule.

5. The power to make rules conferred by the Judicature Acts, 1873 to 1891, shall include power to make rules with respect to the matters contained in and regulated by the enactments described in the schedule to this Act.

Short Title.

Short title, and commencement.

6. This Act may be cited as the Supreme Court of Judicature (Procedure) Act, 1894, and shall be read with the Judicature Acts, 1873 to 1891, and shall come into operation at the expiration of two months after the passing thereof.

A.D. 1894.

SCHEDULE.

Session and Chapter.	Title or Short Title.	—
8 & 9 Will. 3. c. 11.	An Act for the better preventing frivolous and vexatious suits.	Section eight.
39 & 40 Geo. 3. c. 36.	An Act the title of which begins with the words "An Act to enable courts of equity" and ends with the words "party thereto."	The whole Act.
10 Geo. 4. c. 13. -	An Act to provide for monies paid into court under Acts afterwards repealed.	The whole Act.
3 & 4 Will. 4. c. 42.	An Act for the further amendment of the law and the better advancement of justice.	Sections sixteen and eighteen.
1 & 2 Vict. c. 110. -	An Act the title of which begins with the words "An Act for "abolishing arrest" and ends with the words "debtors in "England."	Sections fourteen and fifteen.
3 & 4 Vict. c. 82. -	An Act for further amending the Act for abolishing arrest in mesne process in civil actions.	Section one.
5 Vict. c. 5. - -	An Act to make further provisions for the administration of justice.	Section four.
15 & 16 Vict. c. 76.	The Common Law Procedure Act, 1852.	Section one hundred and thirty-two.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Section seventeen.
30 & 31 Vict. c. 47.	An Act the title of which begins with the words "An Act to amend" and ends with the words "Crown debts and on judgments."	The whole Act.
31 & 32 Vict. c. 40.	The Partition Act, 1868 - -	The whole Act.
39 & 40 Vict. c. 17.	The Partition Act, 1876 - -	The whole Act.

Supreme Court of Judicature (Procedure).

[H.L.]

A

B I L L

INTITULED

An Act to amend the Supreme Court of Judicature Acts.

(*Brought from the Lords* 10 *May* 1894.)

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[*Price* 1½*d.*]

[Bill 258.]

Surveyors (Ireland) Bill.

MEMORANDUM.

The object of this Bill is to remove difficulties which have arisen in reference to the appointment of surveyors in Ireland.

Under the existing law (25 & 26 Vict. c. 106.) an examination of persons desirous to act as surveyors can only be held upon the occurrence of a vacancy in that office, and an appointment to fill a vacancy cannot be made until the grand jury of the county signify their approval of the person proposed to be appointed. Since the grand jury of a county only meet on the occasion of the assizes being held, a considerable interval of time frequently elapses between the occurrence of a vacancy and the appointment of a surveyor to fill the vacancy, and during that period there is no person who can by law execute the duties of the office.

Clause 1 accordingly provides that examinations may be held at such times as the Civil Service Commissioners, with the approval of the Lord Lieutenant, may appoint, and that after each examination certificates of qualification, according to the order of proficiency, may be issued to so many candidates as may be determined by the Lord Lieutenant with the concurrence of those Commissioners.

Clause 2 provides that whenever a vacancy occurs one of the persons certified shall be appointed to the vacant office by the Lord Lieutenant, and that the appointment shall be valid unless and until it is disapproved of by the grand jury at the next assizes.

The Bill also proposes to transfer the examination of assistant county surveyors from the Commissioners of Public Works in Ireland to the Civil Service Commissioners.

A

B I L L

TO

Amend the Law in regard to the Examination and Appointment of Surveyors in Ireland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons desirous of becoming candidates for appointments as surveyors or assistant surveyors or district surveyors to be examined by the Civil Service Commissioners.

1.—(1.) Examinations of persons desirous of becoming candidates for appointment as surveyors or assistant surveyors under the Grand Jury (Ireland) Act, 1836, or as district surveyors for the county of Dublin under the County Dublin Grand Jury Act, 1844, shall be held under regulations framed by Her Majesty's Civil Service Commissioners, and approved by the Lord Lieutenant.

(2.) The examinations shall be held at such places and in such manner as the Civil Service Commissioners may appoint, and at such times as those Commissioners, with the concurrence of the Lord Lieutenant, may appoint.

(3.) The examinations shall be open to all persons being natural born subjects of Her Majesty, and of such age and qualification as may be prescribed in the aforesaid regulations, who may be desirous of attending the same, subject to the payment of such fees as the Civil Service Commissioners, with the consent of the Treasury, may require.

6 & 7 Will. 4. c. 116.
7 & 8 Vict. c. 106.

(4.) After each examination the Civil Service Commissioners may issue certificates of qualification in favour of so many duly qualified candidates as may be determined by the Lord Lieutenant, with the concurrence of those Commissioners, and such certificates shall be issued according to the order of proficiency of the candidates as shown by the examination, provided such candidates are in all respects duly qualified under the aforesaid regulations.

A.D. 1894.

Appointment of surveyor, assistant, or district surveyor.

2.—(1.) Whenever a vacancy occurs in any of the offices of surveyor or district surveyor one of the persons certified as aforesaid by the Civil Service Commissioners shall be appointed to the vacant office of surveyor by the Lord Lieutenant or to the vacant office of district surveyor for the county of Dublin by the grand jury of that county, according as such vacancies occur, and any person certified by those Commissioners as qualified to be an assistant surveyor shall be eligible for the appointment of assistant surveyor for any county.

(2.) Every appointment made by the Lord Lieutenant under this section shall be valid unless and until disapproved of by the grand jury of the county at the next assizes, in which case the Lord Lieutenant shall make a new appointment subject to the like disapproval of the grand jury.

56 & 57 Vict. c. 49.

(3.) Nothing in this section shall affect the provisions of the County Surveyors (Ireland) Act, 1893.

Repeal of 25 & 26 Vict. c. 106. and 6 & 7 Will. 4. c. 116. s. 39.

3. The Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and six, and section thirty-nine of the Grand Jury (Ireland) Act, 1836, are hereby repealed.

Short title.

4. This Act may be cited as the Surveyors (Ireland) Act, 1894.

Surveyors (Ireland).

A

B I L L

To amend the Law in regard to the Examination and Appointment of Surveyors in Ireland.

(*Prepared and brought in by Mr. John Morley and Sir John Hibbert.*)

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[Bill 216.]

Teachers' Registration Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.
3. Definitions.
4. Limit to application of Act.

The Council.

5. Establishment and functions of Educational Council.
6. Constitution of Council.
7. Qualifications of members of Council.
8. General powers of the Council.
9. Proceedings of Council.
10. Time and place of meeting of Council.
11. Quorum.
12. Election of chairman of Council.
13. Election of members of Council.
14. Vacancies on the Council.
15. Minutes of meetings of Council.
16. Evidence as to meetings of Council and committees.
17. Members of the Council not to be personally liable, and to be indemnified by the Council.
18. Appointment of registrar and other officers.
19. Fees for attendance at Councils.
20. Application of registration fees.
21. Accounts to be published.

Register of Teachers.

22. Qualification for registration for two years from passing of Act.
23. Qualifications for registration after two years from passing of Act.

Clause.
24. Council to register all duly qualified persons.
25. Removal of name from register.
26. Restoration of name to register.
27. Duty of registrar as to register.
28. Fees for registration.
29. Fees for examinations.
30. None but registered teachers to hold appointments in schools supported by rates, grants of public money, or endowments.
31. None but registered teachers to recover charges.
32. Exemption from registration in certain cases.
33. Register to be published.

Offences.

34. Penalty on wilful falsification of register.
35. Penalty for obtaining registration by false representations.
36. Penalty for falsely pretending to be registered.

Supplemental.

37. Recovery of fees, penalties, &c.
38. Service of notices by post.

A

B I L L

TO

Provide for the Registration of Teachers. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Registration of Teachers Act, 1894. Short title.

2. This Act shall commence and take effect from the *first day of January, one thousand eight hundred and ninety-five.* Commencement of Act.

3. In this Act— Definitions.

"Council" means the Council to be established under this Act:

"School" means any seven or more persons not of the same family under the age of eighteen receiving education together in consideration of a payment in money, or its agreed equivalent, made by them or in their behalf, or otherwise thereby accruing due to the teacher; the term "school" being held to include a normal school for the training of teachers:

"Registered teacher" means a teacher for the time being registered under this Act:

"Probationer" means any person who has received the certificate of the Council created under this Act, such certificate setting forth the intention of such person to qualify for admission to the register by serving for a period of two years either as an assistant teacher in any school, or as a student in a training college for teachers:

"Registrar" means the registrar of the Council for the time being or his duly appointed deputy or representative.

4. This Act shall not apply to a head of any college or hall, professor, deputy or assistant professor, tutor, reader, or lecturer in Limit to application of Act.

A.D. 1894.

any university or college forming part of any university, or any other person forming part of the educational staff of such university or college, nor to any reader or lecturer appointed by or acting under the control of the learned societies of the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, the Incorporated Law Society, or any or all of them, nor to any professor or teacher of anatomy, medicine, surgery, or pharmacy, nor to pupil teachers or assistant teachers in public elementary schools, according to the definitions of such pupil teachers or assistant teachers, and the conditions of service of such pupil teachers or assistant teachers laid down in the codes of minutes of the Education Department in force for the time being, nor to tutors or governesses resident in private families, nor to tutors or governesses giving lessons in private families, nor to persons exclusively teaching music or drawing, or such other special subjects as the Council shall from time to time specify: Provided always that no teacher in a school be disqualified for registration by reason that he or she also gives lessons in private families.

The Council.

Establishment and functions of Educational Council.

5. A Council shall be established for the purpose of forming and maintaining an authoritative register of duly qualified teachers, under the style and title of the Educational Council of the United Kingdom, and for the performance of such other duties as are in this Act mentioned.

Constitution of Council.

6. The Council shall be a body corporate with perpetual succession and a common seal, with power to take, hold, and dispose of land and other property for the purposes of this Act, and shall consist of the following members, viz.:—

Four persons nominated by the Queen, with the advice of Her Privy Council.

And the persons elected from time to time by each of the following bodies, that is to say:—

Two by the Hebdomadal Council of the University of Oxford;

Two by the Senate of the University of Cambridge;

Two by the Senate of the University of London;

One by the corresponding authority in each of the other universities of the United Kingdom now in existence, or which may be hereafter established;

Two by the College of Preceptors;

Two by the National Union of Teachers;

Two by the Teachers' Guild of Great Britain and Ireland;

Two by the Irish National Teachers' Association;
Two by the Educational Institute of Scotland;
One by the Conference of Head Masters;
One by the Association of Head Masters;
One by the Conference of Head Mistresses.

Four additional members of the Council, herein-after referred to as additional members, shall be elected by the general body of registered teachers at the expiration of three years from the commencement of this Act, as herein-after provided.

The Council shall have power to reconsider the representation granted to the before-mentioned associations, other than universities, in this clause mentioned, and to add to or reduce the number which shall be entitled to elect representatives, provided that the number of such representatives shall never exceed fourteen, or be less than eight.

Representatives of other bodies may be admitted by the Council.

Qualifications of members of Council.

7. The members of the Council other than those nominated by the Queen must be qualified and entitled to be registered under this Act, or must be so qualified in all respects except that of being actually engaged or having been engaged as teachers.

General powers of the Council.

8. When and so soon as the Council shall have been duly constituted under the provisions of this Act, the Council is hereby empowered, without prejudice to any other power or anything herein-after contained, to form and keep a correct register of teachers, to be called the register of teachers, to inquire into and report upon the courses of study and examinations which are from time to time requisite for obtaining the diplomas and certificates qualifying for registration under this Act, to conduct examinations of teachers and other persons applying for the Council's certificates of proficiency in the theory and practice of teaching, to issue such certificates and to purchase, acquire, and hold land for the purpose of constructing examination halls or other buildings required for carrying out the purposes of this Act, and to perform all other acts, matters, and things incidental to the above powers.

Proceedings of Council.

9. The Council shall have power to appoint from their own number committees, with such powers and such limitations as the Council may from time to time decide, to discharge special departments of its functions. All acts of such committees which are in accordance with the powers and instructions conferred on them by the Council shall be valid, provided always that no committee

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shall have power to make, alter, or abrogate the regulations or orders of the Council.

Time and place of meeting of Council.

10. The Council shall hold their first meeting within *six months* from the commencement of this Act in such place and at such time as Her Majesty in Council shall appoint, and shall elect a chairman out of their own number for a term not exceeding *three years*, and make such rules and regulations as they shall think fit as to the times and places of the meeting of the Council and the mode of summoning the same as they shall think fit, which rules and regulations shall remain in force until altered or repealed with the like approval at any subsequent meeting. In the absence of any rule or regulation as to the summoning a meeting of the Council it shall be lawful for the chairman to summon a meeting at such time and place as to him shall seem expedient by a seven days notice in writing addressed to each member, and at every meeting in the absence of the chairman some other member to be chosen from the members present shall act as chairman and all acts and resolutions of the Council shall be decided by the votes of the majority of the members present at any meeting, and at all such meetings the chairman for the time being shall, in case of an equality of votes, have a second or casting vote in addition to his vote as member of the Council.

Quorum.

11. The quorum of a meeting of the Council shall be nine.

Election of chairman of Council.

12. The Council shall from time to time on the occurrence of a vacancy in the office of chairman of the Council elect one of their number to be chairman for a term not exceeding *three years*, and not extending beyond the expiration of the term for which he has been appointed a member of the Council.

Election of members of Council.

13. The members of the Council shall in all cases be nominated or elected, as the case may be, for the term of *five years*, and shall be capable of re-appointment on the expiration of such term, and in the case of members other than the additional members shall be nominated or elected in such manner as the university or other electing body shall from time to time determine; and with respect to the election of the additional members of the Council by the general body of registered teachers after the expiration of *three years* from the commencement of this Act the following provisions shall have effect:—

(i.) The election shall, subject to the provisions herein-after contained, be conducted in such manner as may be provided by regulations to be made by Her Majesty in Council:

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(ii.) The nomination shall be in writing and the nomination paper of each candidate shall be signed by not less than ten registered teachers:

(iii.) The election shall be conducted by voting papers, and it shall be the duty of the Council to cause a voting paper to be forwarded by post to each registered teacher at his registered address, but the election shall not be rendered void by reason of the omission of the Council to cause such voting paper to be forwarded in any particular case, and any registered teacher to whom a voting paper has not been sent may obtain such paper by application to the registrar:

(iv.) Any registered teacher may vote for as many candidates as there are additional members to be elected.

Vacancies on the Council.

14. If a member of the Council absents himself during *six* successive months from all meetings of the Council, except from temporary illness or from any other cause approved by the Council, or is adjudged bankrupt, or has entered into a composition or arrangement with his creditors, he shall cease to be a member of the Council, and his office shall thereupon be vacant. Any member may at any time resign his appointment by a notice in writing under his hand addressed to the registrar of the Council and to the registrar, secretary, or other like official of the university or body who elected such member, and upon the death, resignation, or incapacity to act of any member of the Council the vacancy thereby caused shall with all convenient speed be filled up by the Queen or by the university, association, or body whose representation upon the Council is thereby diminished, and in the case of an additional member the Council shall co-opt a registered teacher for the residue of the term for which such additional member was elected.

Provided always that it shall be lawful for the Council or any committee thereof during such vacancy to exercise any of the powers hereby conferred upon them, and all acts done by the Council or any such committee shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment or qualification of any member of the Council, be as valid as if every member of the Council had been duly qualified and appointed.

Minutes of meetings of Council.

15. The Council shall cause minutes to be duly entered in books provided for the purpose of all appointments of officers of the names of the members present at each meeting of the Council or of any committee thereof, of all orders and regulations made by the Council, and of all resolutions and proceedings of all meetings of the Council

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or such committees; and all such minutes of any meeting of the Council or of any committee thereof purporting to be signed by the chairman of such meeting or the chairman of the next succeeding meeting shall be received as primâ facie evidence of the facts stated in such minutes.

Evidence as to meetings of Council and committees.

16. Until the contrary is proved, every meeting of the Council or of a committee in respect of the proceedings and matters whereof minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof shall be deemed to have been duly qualified, and when the proceedings are proceedings of a committee the same shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Members of the Council not to be personally liable, and to be indemnified by the Council.

17. No member of the Council by being party to or executing in his capacity of member any contract or other instrument on behalf of the Council or otherwise lawfully exercising any of the powers given to the Council, shall be subject to be sued or prosecuted either individually or collectively by any person whatsoever, and the goods or lands of the members of the Council shall not be liable to execution of any legal process by reason of any contract or other instrument, or by reason of any other lawful act done by them in the execution of any of their powers as members of the Council, and the members of the Council and their respective legal representatives shall be indemnified out of the funds, moneys, and other property of whatsoever description of the Council for all payments made or liability incurred in respect of any acts done by them and for all losses, costs, and damages which they may incur in the execution of the powers conferred upon them, and the Council shall apply the funds, moneys, or other property of the Council for the purposes of such indemnity.

Appointment of registrar and other officers.

18. The Council shall appoint a registrar, who shall act as secretary of the Council, and may also act as treasurer unless another person be appointed, and the Council may also appoint all such examiners and other officers and servants as shall be necessary for the purposes of this Act, and every person so appointed shall be removable at the pleasure of the Council, and shall be paid such salary or other emolument as the Council shall think fit.

Fees for attendance at Councils.

19. There shall be paid to the members of the Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Council and approved by Her Majesty in Council.

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Application of registration fees.

20. All moneys arising from fees payable on registration or for examination or from the sale of copies of the register or otherwise from penalties, together with all rents, dividends, interest, or other income, gifts, legacies, bequests, and all other receipts whatsoever, shall be applied in accordance with such regulations as may be from time to time made by the Council, in defraying the expenses of and incidental to registration and examination and of carrying out the other purposes of this Act.

Accounts to be published.

21. The registrar or the treasurer, if such officer be appointed by the Council, shall enter in books to be kept for that purpose true accounts of all sums of money received by him and paid under this Act, and such accounts, after being audited, shall be submitted by him to the Council at such times as the Council shall determine. These accounts shall be published annually and, together with a report of the Council upon the courses of study and examinations and training of teachers into which they are directed to inquire under this Act, shall be laid before both Houses of Parliament in the *month of March* in each year if Parliament be then sitting, or if Parliament be not then sitting, within *one month* after the commencement of the next sitting of Parliament.

Register of Teachers.

Qualification for registration for two years from passing of Act.

22. The persons qualified for admission to the register of teachers for two years from the *passing of this Act* shall be—

(i.) All teachers who shall have been engaged in teaching for not less than *two years* at the date of the passing of this Act.

(ii.) All teachers who at any time during the period of two years next after the commencement of this Act shall have completed two years of teaching, and shall have satisfied the Council that they are fit persons to be put on the register.

Qualifications for registration after two years from passing of Act.

23. After the expiration of two years from the *passing of this Act* a person shall not be qualified to be registered unless he or she is *twenty years* of age, and at the time of applying to be registered, holds by examination—

(A.) (i.) a certificate from the Council of proficiency in the theory and practice of education, and in such other subjects as the Council may, from time to time, specify and appoint; or

(ii.) a certificate by examination issued under the authority of the Education Department for England, Scotland, or Ireland;

(iii.) or the teaching diploma of the University of Cambridge;

(iv.) or the teaching diploma of the University of London;

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(v.) or the teaching diploma of any other university or public body in the United Kingdom hereafter to be approved by the Council;

(vi.) or the fellowship or licentiateship of the College of Preceptors;

(vii.) or the fellowship of the Educational Institute of Scotland; and

(B.) in all the above cases shall have given evidence in such a way as the Council may direct of general intellectual attainments and of practical ability to teach and shall have taught for two years in a school recognised as efficient for the purpose by the Council.

Provided always, that at any time after *five years* from the *passing of this Act*, the Council shall have power to reconsider and decide what diplomas other than the first two in this section mentioned, shall be accepted as a qualification for registration.

Council to register all duly qualified persons.

24. The Council shall cause to be entered upon the register the names of all applicants for registration who are qualified under the two last preceding sections, shall cause to be entered upon the register, free of charge, the names of all persons holding a certificate by examination, which has been issued under the authority of the Education Department for England, Scotland, or Ireland, prior to the date when this Act shall come into operation, and shall cause to be inserted after the name of each registered teacher a statement of all university degrees, diplomas, certificates, or other qualifications or distinctions to which such registered teacher shall certify the Council that he is entitled: Provided always, that the Council shall not in any case be bound to register any teacher until he has satisfied them of his good moral character: And provided further, that the statement of the degree or qualifications as aforesaid shall not in any way operate to disentitle the Council to distinguish the registered teachers by such other marks or letters as the Council by their regulations and orders may deem expedient.

Removal of name from register.

25. The Council may direct that a name be removed from the register in the following cases:—

(i.) At the request or with the consent of the person whose name is to be removed:

(ii.) When the name has been entered in consequence of mistake or fraud:

(iii.) Where the Council, after due inquiry, are of opinion that a registered person is, in consequence of misconduct, unfit to be a teacher: Provided that no due inquiry shall be deemed to have been made till such person has had reasonable notice of the charge made against him, and has been called on by the

Council under the hand of the registrar to explain the matter complained of: Provided also that the teacher shall have the right to appeal to a court of law. A.D. 1894.

Restoration of name to register.

26. Where the Council have removed the name of any person from the register (except by consent, in which case the restoration of the name to the register shall be deemed for all purposes an original registration, and be subject to the rules relating thereto) the name of that person shall not be reinstated in the register except by a resolution of the Council.

Duty of registrar as to register.

27. Without prejudice to such other duties as to the register or otherwise as may be from time to time imposed upon him by the Council under the powers of this Act, the duty of the registrar with respect to registration shall be as follows; that is to say,

(i.) To enter in his register the names and addresses and such other particulars as the Council by their regulations direct of every applicant for registration who has complied with the terms and provisions of this Act and the orders of the Council made in accordance herewith:

(ii.) To make all such alterations in the entries as are rendered necessary by any such order of the Council or by the change of name, address, qualification, or other particular of any registered teacher:

(iii.) To remove the names of all deceased persons:

(iv.) To erase or renew any entries in pursuance of any resolution or order of the Council as to the removal or reinstating of the name of any registered teacher from or in the register:

(v.) And generally to carry out all lawful directions of the Council with respect to the accurate and correct keeping of the register.

Fees for registration.

28. Except in the case provided for in section twenty-four of this Act, every applicant for registration under this Act shall, prior to registration, pay to the registrar, or to such person as the Council appoint, such fees as the Council from time to time direct, not exceeding for the first five years the sums herein-after specified; that is to say,

In the case of persons duly qualified at the time of the commencement of this Act applying *before the first day of January, one thousand eight hundred and ninety-six, ten shillings:*

In the case of persons so qualified applying on or *after* the first day of January one thousand eight hundred and ninety-six, *three pounds:*

In the case of persons who become qualified after the commencement of this Act, *one pound.*

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Fees for examinations.

29. The Council shall also have power to demand and take such reasonable fees for the examinations held and certificates granted by them as the Council shall from time to time fix and determine.

None but registered teachers to hold appointments in schools supported by rates, grants of public money, or endowments.

30. From and after the expiration of *three years* next following the commencement of this Act, it shall not be lawful for any school board, school committee, or any other body of persons having the power of management over any school supported wholly or in part by a school rate or grant of public moneys, nor for the governing body of any endowed school as defined by the Endowed Schools Act, 1869, to appoint, continue to employ, or pay any teacher to whom this Act applies, and who is not registered under this Act to teach in any school under the control of such school board, committee, or other governing body.

None but registered teachers to recover charges.

31. From and after *ten years* next following the commencement of this Act, registration under this Act shall be compulsory upon all teachers to whom this Act applies, and no person to whom this Act applies shall be entitled to recover any charge in any court of law for any service performed by him (or by any person in his employment) as a teacher unless he shall first prove to the Court that he, or, as the case may be, the person employed by him in respect of whose services as teacher such charge has become due, is registered under this Act, and, for the purposes of this proof, a copy of the entry in the register certified to be a true copy under the hand of the registrar shall be sufficient primâ facie evidence, provided that nothing in this section shall apply to any teacher during his two years of service as a probationer in order to qualify for registration under this Act.

Exemption from registration in certain cases.

32. Notwithstanding anything in this Act contained it shall be lawful for the governing body of any endowed school as herein-before defined, or the principal of the educational staff of any school not a public elementary, being himself a registered teacher, to employ and pay for a period not exceeding *two years* as an assistant teacher any person who shall satisfy such governing body or teacher of his intention to become registered under this Act at the conclusion of the said period, and who shall have obtained from the Council prior to his appointment such certificate, to be called a probationer's certificate, as the Council shall for the time being require.

Register to be published.

33. The registrar of the Council shall in every year cause to be printed and published, under the direction of the Council, correct copies of the register as the same existed on the *first day of January* immediately preceding such publication, and this register shall be called the Register of School Teachers; and a copy of this register for

the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act: Provided always, that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the Council of the entry of the name of such person in the register shall be evidence that such person is registered under the provisions of this Act, and of all matters entered therein.

Offences.

Penalty on wilful falsification of register.

34. Any registrar who shall wilfully make or cause to be made any falsification in any matters relating to the register shall be deemed guilty of a misdemeanor and shall on conviction thereof be imprisoned for any term not exceeding *twelve months.*

Penalty for obtaining registration by false representations.

35. Every person who wilfully procures or attempts to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, or who forges or fraudulently alters, or who causes to be forged or fraudulently altered, any certificate given under this Act, or any diploma or certificate mentioned in section twenty-three hereof, and every person who aids or abets in any such offence, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be imprisoned for any term not exceeding *twelve months.*

Penalty for falsely pretending to be registered.

36. Every person who falsely pretends, or falsely adopts or uses, any style, title, designation, or description importing that he or she is registered under this Act, or that he or she holds a certificate signifying such registration, or that he or she is registered in or holds a certificate of registry in another category than that which he or she is actually registered in or holds under this Act, or that he or she holds any qualification under or is recognised as a teacher by the Council, shall be liable on summary conviction to a penalty not exceeding *twenty pounds*, or in the discretion of the Court to imprisonment for any term not exceeding *six months* with or without hard labour.

Supplemental.

Recovery of fees, penalties, &c.

37. All fees, and all damages, costs, and expenses due and payable to the Council under this Act, or under any order or regulation made in pursuance of this Act, shall be recoverable by the Council as simple contract debts, and all penalties may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

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Service of notices by post.

38. All notices and documents required to be given or sent in pursuance of this Act may be sent by post, and the same when sent to the Council or any university or other body shall be deemed to be properly addressed if addressed to the Council or such university or body, or to the registrar of the Council, or some official of such university or body at the principal office of the registrar or such official, and when sent to a registered teacher shall be deemed to be properly addressed if addressed to him at the address entered in the register at the date of the sending of the notice or document.

Teachers' Registration.

A

B I L L

To provide for the Registration of Teachers.

(Prepared and brought in by Mr. Macdonald, Mr. Bousfield, Mr. Grove, Mr. Henry Hobhouse, and Mr. Henry J. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 3 *April* 1894.

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[Bill 138.]

Town Holdings Bill.

MEMORANDUM.

The Bill is not retrospective, but any agreement inconsistent with its provisions is declared null and void.

The landlord is protected in respect of any benefit allowed or breach of covenant, and may obtain power from the court to charge his estate with the amount of compensation.

The tenant claiming compensation must give at least two months' notice of his intention, and the amount payable may either be agreed or settled by reference, according to the Arbitration Act, 1889, or, in case of dispute, by a referee to be appointed by the Local Government Board. The tenant's property in fixtures, machinery, &c. is protected.

This Bill carries out the recommendation made in the final report of the Town Holdings Committee, that compensation should be given for improvements in certain cases, as follows:—"But with "regard to future contracts of tenancy the Committee feel that no "injustice would be involved in such an alteration of the law as "would entitle the tenant of trade or business premises on the "expiration of his tenancy to compensation for such improvements "as he may have *bonâ fide* made for the purpose of carrying on "his trade or business, and as may have added to the permanent "letting value of the premises."

The procedure adopted is taken from the Agricultural Holdings Act, 1883.

Town Holdings Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Compensation for improvements.
5. Improvements executed before the commencement of this Act.
6. Improvements executed after the commencement of this Act.
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[Bill 20.]

Clause.
27. Provision in case of reservation of rent.
28. Set-off of compensation against rent.
29. Exclusion of certiorari.
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31. Right of tenant in respect of improvement purchased from outgoing tenant.
32. Provision as to change of tenancy.
33. Restriction in respect of improvements by tenants about to quit.

SCHEDULE.

A

B I L L

TO

Give Compensation to occupying Tenants of Town Holdings for beneficial Improvements. A.D. 1894.

WHEREAS it is expedient to amend the law so as to give to certain occupying tenants compensation for beneficial improvements to their holdings:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Town Holdings Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-four*, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

"Holding" includes any messuage, dwelling-house, shop, cottage, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith, held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed three acres in extent:

"Contract of tenancy" means a letting of or agreement for the letting of premises for a term of years, or for lives, or for lives and years, or from year to year:

A tenancy from year to year under a contract of tenancy current at the commencement of the Act shall for the purposes of this Act be deemed to continue to be a tenancy under a contract of tenancy current at the commencement of this

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Act until the first day on which either the landlord or tenant of such tenancy could, the one by giving notice to the other immediately after the commencement of this Act, cause such tenancy to determine, and on and after such day as aforesaid shall be deemed to be a tenancy under a contract of tenancy beginning after the commencement of this Act:

"Determination of tenancy" means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause:

"Landlord" in relation to a holding means any person for the time being entitled to receive the rents and profits of any holding:

"Tenant" means the holder of premises under a landlord for a term of years, or for lives, or for lives and years, or from year to year:

"Tenant" includes the executors, administrators, assigns, legatee, devisee, or next-of-kin, husband, guardian, committee of the estate or trustees in bankruptcy of a tenant, or any person deriving title from a tenant; and the right to receive compensation in respect of any improvement made by a tenant shall enure to the benefit of such executors, administrators, assigns, and other persons as aforesaid:

"Holding" means any premises held by a tenant:

"Occupying tenant" means any person living in or carrying on business in or on the occupying tenancy who either—

(*a.*) holds as lessee under a lease;

(*b*) holds a life lease;

(*c*) has by himself or partners held and made use of the occupancy continuously with or without a lease for at least *twenty years*;

(*d*) has succeeded his or her father, mother, husband, wife, brother, sister, or partner in the occupation with or without a lease when the successive tenure has existed for at least years;

(*e*) in case of business premises has purchased the business when such business has been carried on in or on the occupying tenancy for at least *twenty years*:

"Occupier" means a person residing in or carrying on business in or on a holding without regard to the length of his tenancy:

"Person" to include women.

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Compensation for improvements.

4. Subject as in this Act mentioned, where the occupying tenant has made on his occupying tenancy any improvement comprised in the schedule hereto, he shall on and after the commencement of this Act be entitled on quitting his tenancy at the determination of a tenancy to obtain from the landlord as compensation under this Act for such improvement such sum as fairly represents the value of the improvement to be ascertained as herein-after mentioned.

Improvements executed before the commencement of Act.

5. Compensation shall not be payable in respect of improvements executed before the commencement of this Act.

Improvements executed after the commencement of this Act.

6. Compensation under this Act shall be payable in respect of any improvement mentioned in the schedule hereto, and executed after the commencement of this Act, unless the landlord, or his agent duly authorised in that behalf, has previously to the execution of the improvement and after the *passing of this Act* refused in writing to the making of such improvement, and the umpire, as herein-after mentioned, shall have certified that such refusal was unreasonable on the part of the landlord.

Compensation for improvements mentioned in schedule.

7. Compensation under this Act shall not be payable in respect of any improvement mentioned in the schedule hereto, and executed after the commencement of this Act, unless the occupying tenant has not more than three months and not less than two months, before beginning to execute such improvement, given to the landlord, or his agent duly authorised in that behalf, notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and upon such notice being given the landlord and occupying tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed; and, in the event of any such agreement being made, any compensation payable thereunder shall be deemed to be substituted for compensation under this Act, or the landlord may, unless the notice of the occupying tenant is previously withdrawn, undertake to execute the improvement himself, and may execute the same in any reasonable and proper manner which he thinks fit, and charge the occupying tenant with a sum not exceeding *five pounds* per centum per annum on the outlay incurred in executing the improvement, or not exceeding such annual sum payable for a period of *twenty years* as will repay such outlay in the said period with interest at the rate of *five* per centum per annum, such annual sum to be recoverable as rent. In default of any such agreement or undertaking, and also in the event of the landlord failing to comply with his undertaking within a reasonable time, the occupying tenant

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may execute the improvement himself, and shall in respect thereof be entitled to compensation under this Act.

Regulation as to compensation for improvements.

8. In the ascertainment of the amount of the compensation under this Act payable to the occupying tenant in respect of any improvement, there shall be taken into account in reduction thereof—

(*a.*) Any benefit which the landlord has given or allowed to the occupying tenant in consideration of the occupying tenant executing the improvement.

(*b.*) Any sums due to the landlord in respect of rent or in respect of any breach of covenant committed or permitted by the occupying tenant. Also, any rates or taxes due or becoming due in respect of the occupying tenancy to which the occupying tenant is liable as between him and the landlord.

There shall be taken into account in augmentation of the tenant's compensation—

(*c.*) Any sum due to the occupying tenant for compensation in respect of a breach of covenant or other agreement connected with a contract of tenancy and committed by the landlord.

Notice of intended claim.

9. A tenant claiming compensation under this Act shall, two months at least before the determination of the tenancy, give notice in writing to the landlord of his intention to make such claim.

Where a tenant gives such notice, the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim in respect of any waste or any breach of covenant or other agreement.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars and amount of the intended claim.

Compensation agreed or settled by reference.

10. The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid under this Act.

If in any case they do not so agree, the difference shall be settled by a reference.

Appointment of referee.

11. Where there is a reference under this Act, a referee shall be appointed in accordance with the terms and provisions of the Arbitration Act, 1889, and for that purpose notice in writing by the tenant to the landlord or by the landlord to the tenant of his desire to appoint an arbitrator for a reference under this Act shall be deemed to be a submission to arbitration within the meaning of the said Act.

Requisition for appointment of referee by Local Government Board.

12. Provided that in case of dispute the referee shall be appointed by the Local Government Board for England.

Award to give particulars.

13. The award shall not award a sum generally for compensation, but shall, so far as possible, specify—

(*a*) the several improvements, acts, and things in respect whereof compensation is awarded, and the several matters and things taken into account under the provisions of this Act in reduction or augmentation of such compensation;

(*b*) the time at which each improvement, act, or thing was executed, done, committed, or permitted;

(*c*) the sum awarded in respect of each improvement, act, matter, and thing; and

(*d*) where the landlord desires to charge his estate with the amount of compensation found due to the tenant, the time at which, for the purposes of such charge, each improvement, act, or thing in respect of which compensation is awarded is to be deemed to be exhausted.

Recovery of compensation.

14. Where any money agreed or awarded to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Appointment of guardian.

15. Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

Provisions respecting married women.

16. Where the appointment of a person to act as the next friend of a married woman is required for the purposes of this Act, the county court may make such appointment, and may remove or change that next friend if and as occasion requires.

45 & 46 Vict. c. 75.

A woman married before the commencement of the Married Women's Property Act, 1882, entitled for her separate use to demised premises, her title to which accrued before such commencement as aforesaid, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of demised premises as if she was unmarried.

Where any other woman married before the commencement of the Married Women's Property Act, 1882, is desirous of doing any act under this Act in respect of the demised premises, her title to

A.D. 1894.

which accrued before such commencement as aforesaid, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

Costs in county court.

17. The cost of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

Power for landlord on paying compensation to obtain charge.

18. A landlord, on paying to the tenant the amount due to him in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, or on expending such amount as may be necessary to execute an improvement under the schedule hereto, after notice given by the tenant of his intention to execute such improvement in accordance with this Act, shall be entitled to obtain from the county court a charge on the holding, or any part thereof, to the amount of the sum so paid or expended.

The court shall, on proof of the payment or expenditure, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, make an order charging the holding, or any part thereof, with repayment of the amount paid or expended, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, where an award has been made, be taken to have been exhausted according to the declaration of the award, and in any other case after the time when any such improvement will in the opinion of the court, after hearing such evidence (if any) as it thinks expedient, have become exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

The estate or interest of any landlord holding for an estate or interest determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, shall not be determined or forfeited by reason of his obtaining a charge under this Act, anything in any

deed, will, or other instrument to the contrary thereof notwithstanding. A.D. 1894.

Capital money arising under the Settled Land Act, 1882, may be applied in payment of any moneys expended and costs incurred by a landlord under or in pursuance of this Act in or about the execution of any improvement mentioned in the first or second parts of the schedule hereto, as for an improvement authorised by the said Settled Land Act; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money. 45 & 46 Vict. c. 38.

19. The sum charged by the order of a county court under this Act shall be a charge on the holding, or the part thereof charged for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns, in the tenancy where the landlord is himself a tenant of the holding. Incidence of charge.

20. Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise than for his own benefit, the amount due from such landlord in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, shall be charged and recovered as follows and not otherwise; (that is to say), Provision in case of trustee.

(1.) The amount so due shall not be recoverable personally against such landlord, nor shall he be under any liability to pay such amount, but the same shall be a charge on and recoverable against the holding only.

(2.) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the county court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case may be, to the tenant.

(3.) If such landlord neglect or fail within one month after the tenant has quitted his holding to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the county court in favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him

A.D. 1894.

and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder.

(4.) The court shall on proof of the tenant's title to have a charge made in his favour make an order charging the holding with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain.

Advance made by a company.

21. Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

Tenant's property in fixtures, machinery, &c.

22. Where after the commencement of this Act a tenant affixes to his holding any machinery or other fixture, or erects any building for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, then such fixture or building shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy.

Provided as follows :—

1. Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect to the holding :
2. In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding :
3. Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal :
4. The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it :
5. At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the

tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal).

Landlord, archbishop or bishop.

23. Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England.

Landlord, incumbent of benefice.

24. Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person, officer, or authority who, in case the benefice were vacant, would be entitled to present thereto, or of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy).

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

Landlord, charity trustees, &c.

25. The powers by this Act conferred on a landlord in respect of charging the land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the previous approval in writing of the Charity Commissioners for England and Wales.

Provision as to limited owners.

26. A landlord, whatever may be his estate or interest in his holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act which he might give or make or do or have done to him if he were, in the case of an estate of inheritance, owner thereof in fee, and in the case of a leasehold, possessed of the whole estate in the leasehold.

Provision in case of reservation of rent.

27. When by any Act of Parliament, deed, or other instrument, a lease of a holding is authorised to be made, provided that the best rent, or reservation in the nature of rent, is by such lease reserved, then, whenever any lease of a holding is, under such

A.D. 1894.

authority, made to the tenant of the same, it shall not be necessary, in estimating such rent or reservation, to take into account against the tenant the increase (if any) in the value of such holding arising from any improvements made or paid for by him on such holding.

Set off of compensation against rent.

28. Where the compensation due under this Act, or under any custom or contract, to a tenant has been ascertained before the landlord distrains for rent due, the amount of such compensation may be set off against the rent due, and the landlord shall not be entitled to distrain for more than the balance.

Exclusion of certiorari.

29. An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.

Avoidance of agreement inconsistent with Act.

30. Any contract, agreement, or covenant made by a tenant, by virtue of which he is deprived of his right to claim compensation under this Act in respect of any improvement mentioned in the schedule hereto (except an agreement providing such compensation as is by this Act permitted to be substituted for compensation under this Act), shall, so far as it deprives him of such right, be void both at law and in equity.

Right of tenant in respect of improvement purchased from outgoing tenant.

31. Where an incoming tenant has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, such incoming tenant shall be entitled on quitting the holding to claim compensation in respect of such improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted the holding at the time at which the incoming tenant quits the same.

Provision as to change of tenancy.

32. A tenant who has remained in his holding during a change or changes of tenancy shall not thereafter on quitting his holding at the determination of a tenancy be deprived of his right to claim compensation in respect of improvements by reason only that such improvements were made during a former tenancy or tenancies, and not during the tenancy at the determination of which he is quitting.

Restriction in respect of improvements by tenant about to quit.

33. Subject as in this section mentioned, a tenant shall not be entitled to compensation in respect of any improvements, as defined by this Act, begun by him, if he holds from year to year, within one year before he quits his holding, or at any time after he has given or received final notice to quit, and, if he holds as a lessee, within one year before the expiration of his lease.

SCHEDULE.

Such improvements bonâ fide made for the purpose of carrying on a business or otherwise as may have added to the permanent letting value of the premises.

Any work, outlay, benefit, improvement, or advantage executed, done, or accruing (during the occupying tenancy by the occupying tenant and his predecessors in occupancy) in, to, or upon the holding whereby or in consequence whereof the holding would in the opinion of the arbitrator in the Act mentioned increase or augment the amount paid as rent by the occupying tenant of the holding if the same were let for a period extending over seven years from the determination of the tenancy of the occupying tenant to a hypothetical tenant or tenants on the same terms as regards tenancy as those held or enjoyed by the occupying tenant at the time of the determination of his tenancy.

Town Holdings.

A

B I L L

To give Compensation to occupying Tenants of Town Holdings for beneficial Improvements.

(*Prepared and brought in by*
Mr. H. L. W. Lawson, Mr. James Rowlands,
Mr. David Thomas, Mr. Field,
Mr. George Palmer, and Earl Compton.)

Ordered, by The House of Commons, *to be Printed,*
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[*Price* 2*d.*]

[Bill 20.]

A

B I L L

TO

Establish Boards of Conciliation and Arbitration in Trade Disputes. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Trade Disputes (Arbitration and Conciliation) Act, 1894.

Extent. **2.** This Act shall not apply to Ireland.

Interpretation. **3.** In this Act—

The expression "district" shall mean the area under the authority of a county council.

The expression "county council" shall, in the application of this Act to England, include the council of a county borough.

The expression "employer" shall mean any person or body of persons, corporate or unincorporate, employing not less than twelve workmen in the same business or department of the business in which the trade dispute has arisen.

The expression "workman" shall mean any person in the employment of an employer, as defined by this Act.

A "trade dispute" shall be deemed to have arisen whenever any controversy or difference, not involving questions which can be decided in a court of law, exists between an employer and his workmen, or when a strike or lock-out is threatened or has actually taken place.

The expression "board" shall mean a board of conciliation and arbitration as established under this Act for each particular district.

Constitution of board. **4.**—(1.) A board of conciliation and arbitration shall on or before the *first day of January one thousand eight hundred and ninety-five* be established in every district.

A.D. 1894.

(2.) The board shall consist of seven members to be appointed as herein-after mentioned, of whom three shall be employers or members of some association representing employers, and three shall be workmen or members of some trades union, and one shall be neither an employer nor a workman nor a member of any association representing employers or of any trades union.

(3.) The county council in each district shall on or before the *first day of January one thousand eight hundred and ninety-five* appoint seven persons to be the first members of the board. Such members shall, subject to re-appointment, hold office for *two years*. At the expiration of two years from the *first day of January one thousand eight hundred and ninety-five* and of every subsequent period of *two years* the county council shall appoint seven persons to be members of the board in the place of the retiring members, and such persons shall, subject to re-appointment, hold office for *two years*.

(4.) In case of the bankruptcy or lunacy of a member of the board he shall forthwith vacate his office of member.

(5.) The county council shall upon the death, bankruptcy, lunacy, or retirement of a member of the board, appoint some other person to act in his place for the remainder of the term for which he was appointed.

(6.) Provided always, that, if and so long as in any district a board or body (other than a board established under this Act) exists which in the opinion of the county council adequately carries out the purposes for which boards are established under this Act, it shall not be obligatory on the county council in that district to appoint any persons to be members of the board in that district.

Board in first instance to mediate.

5. When in any district any trade dispute has arisen between an employer and his workmen, the board of that district shall upon application as herein-after provided, and may without any such application, put themselves in communication as soon as may be with such employer and workmen and invite the parties or their representatives to a friendly conference and endeavour by mediation to effect an amicable settlement of the dispute, and if a settlement is effected, a memorandum of the terms shall be drawn up and signed by the parties or their representatives and a copy thereof shall be delivered to and kept by the board.

Mode of application to board.

6. The application above referred to shall be an application signed by the employer, or by ten per cent. or more of his workmen employed in the business or department of the business in which the trade dispute has arisen, or by his or their duly authorised

agent or by both parties. Such application shall contain a concise statement of the matters in difference between the parties.

Procedure in case of failure of mediation.

7. In case of failure to effect such amicable settlement as is above referred to, the board shall give due public notice of their intention to hold an inquiry into the matters in dispute, and invite all persons interested to attend and give evidence thereat, and shall thereupon hold such inquiry.

Report.

8. The board shall as soon as may be after the conclusion of the inquiry make a report and publish the same in such manner as they may think fit. Such report shall contain the decision of the board as to the proper settlement of the dispute in question, and also, in case the board so think proper, a concise statement as to the origin of the dispute and the causes inducing the same and what parties (if any) are in the opinion of the board mainly responsible for the same.

Powers of board.

9. For the purposes of this Act the board shall have power—

(*a.*) To visit the locality where the trade dispute has arisen, and to hear all persons interested who may come before them.

(*b.*) To summon any person to attend as a witness before the board, and in the case of any person summoned refusing to attend to apply in a summary way to a justice of the peace having jurisdiction in the district for an order compelling such attendance, and such justice of the peace is hereby empowered to make such order.

(*c.*) To administer an oath to or take the affirmation of any person attending as a witness before the board, and to examine any such person on oath or affirmation.

Remuneration of members of board and other persons.

10.—(1.) The members of the board and the clerk (if any) appointed by them shall be paid such sums for their services and expenses as the county council may from time to time determine.

(2.) The witnesses summoned by the board shall be paid their travelling expenses and such further sum, not exceeding *ten shillings* a day, as the board may think proper.

Arbitration rate.

11. All payments authorised to be made by this Act shall be made by and out of the funds of the county council of the district where the trade dispute has arisen, and the county council shall have power (if necessary) to raise funds for that purpose.

Rules.

12. The board in each district shall forthwith frame rules under this Act for the purposes of regulating their procedure. Such rules shall before they become binding be submitted to and approved by the county council, and may from time to time be altered by the county council with the like approval.

Trade Disputes (Arbitration).

A

B I L L

To establish Boards of Conciliation and Arbitration in Trade Disputes.

(*Prepared and brought in by Mr. Butcher, Sir John Gorst, Mr. Horace Plunkett, and Colonel Palmer.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 66.]

A

B I L L

TO

Amend the Tramways and Public Companies (Ireland) Act, 1883. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Certain directors to be elected.

1.—(1.) Directors representing baronies under the Tramways and Public Companies (Ireland) Act, 1883, or any Order in Council made thereunder, shall be elected by the parliamentary electors within the baronies.

(2.) The Local Government Board for Ireland shall have power to make regulations concerning the retirement of present or future directors representing baronies, and concerning the mode of making registers and holding elections.

(3.) The expenses of holding elections shall be levied by compulsory presentment on the guaranteeing baronies.

Commutation of Treasury contribution under 46 & 47 Vict. c. 43.

2. Where stock or shares in a company have been issued with a guarantee under the Tramways and Public Companies Act (Ireland), 1883, the lord lieutenant may, with the consent of the Company expressed by resolution at a meeting specially called for that purpose, and with the consent of the Treasury, make an Order in Council, subject to petition and confirmation in the same manner as if it were an Order in Council under that Act, for the following purposes or any of them :—

(1.) *Commuting the Treasury contribution to the baronial charge for a capital sum fixed by the Treasury ;*

(2.) *Providing for the payment out of such capital sum of a rateable proportion to the holders of stock or shares ;*

(3.) *Providing for the cancellation of the stock or shares on such payment and for the issue in place thereof of new stock or shares of such nominal amount or value and subject to such interest charged on the guaranteeing baronies as the Treasury may determine, having regard to the market price of the old*

A.D. 1894.

stock or shares on or about the first of March one thousand eight hundred and ninety-four and to the amount paid out of the capital sum ;

(4.) *Providing for such charges in the constitution of the company and in the manner of payment of the interest as may be necessary or desirable in consequence of the commutation.*

Provision of the commutation moneys.

3.—(1.) *The National Debt Commissioners may, out of any funds for the time being in their hands on account of savings banks lend to the Treasury, and the Treasury may borrow from the National Debt Commissioners, such money as may be required for the purpose of the commutation, on such terms as to interest, sinking fund, and period of payment (not exceeding the period of the continuance of the guarantee) as may be agreed on between the National Debt Commissioners and the Treasury.*

(2.) *The sums so lent by the National Debt Commissioners shall be repaid out out of the moneys provided by Parliament for the purpose, and if and so far as those moneys are insufficient, shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.*

Trustees authorised to invest in the new stock. 52 & 53 Vict. c. 32.

4. It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) creating the trust, to invest any trust funds in his hands in new stock or shares, issued under this Act, subject to the same discretion and consent as in the case of investments under the Trust Investments Act, 1889.

Short title and construction.

5. This Act may be cited as the Tramways (Ireland) Act, 1894, and it shall be construed as one with the Tramways and Public Companies (Ireland) Act, 1883.

Tramways and Public Companies (Ireland) Act (1883) Amendment.

A

B I L L

To amend the Tramways and Public Companies (Ireland) Act, 1883.

(*Prepared and brought in by Mr. Tully, Mr. Knox, Sir Thomas Esmonde, Mr. Patrick McHugh, and Mr. McGilligan.*)

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[*Price* ½*d.*]

[Bill 85.]

A

B I L L

TO

Amend the Tramways and Public Companies (Ireland) Act, 1883. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Arrangement for redemption of Treasury contribution to tramway guarantee. 46 & 47 Vict. c. 43.

1.—(1.) Where under the Tramways and Public Companies (Ireland) Act, 1883, the dividend on any share capital of a company has been guaranteed by a barony, the Lord Lieutenant may with the consent of the Treasury, and with the consent of the company and of the grand jury of any county in which the tramway is situated given in the manner required by this Act, provide by Order in Council for the redemption by the Treasury under this Act of their liability in respect of the guaranteed dividend, and may by the Order provide for the payment and application of the money paid for the redemption, for any consequential reduction and rearrangement of the capital of the company and of the baronial guarantee, for increased provision for securing the public interests whether by means of directors or otherwise, for any other change in the constitution of the company, and for all such matters as may seem necessary or expedient for carrying into effect the purposes of the Order.

(2.) Any such Order in Council shall be subject to the like petition of appeal and confirmation as an order under the said Tramways and Public Companies (Ireland) Act, 1883.

(3.) For the purpose of this section the company may give their consent by resolution of a meeting specially called for the purpose, and the grand jury may give their consent by a presentment.

Terms for redemption by Treasury

2.—(1.) *The Treasury may consent to redeem, and may redeem their liability to the grand jury in respect of the guaranteed dividend on the share capital of the company by payment of a capital sum*

A.D. 1894.

of their contribution to guarantee.

not exceeding in any case thirty-three and a third times the estimated annual amount of such liability; and upon the payment of that sum, the liability proposed to be thereby redeemed shall cease, but the aggregate sum which can be guaranteed by the Treasury shall be reduced by the maximum annual amount of the liability redeemed.

(2.) *The amount required for any such payment may be advanced to the Treasury by the National Debt Commissioners, and shall be repaid with interest at the rate of* three per cent. *per annum by a terminable annuity for such period not exceeding* thirty *years as may be determined by the Treasury, which annuity shall be paid out of moneys provided by Parliament for the service of the Board of Works, and if and so far as not so paid shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and the amount of such annuity shall be certified under the hand of the actuary and controller or assistant controller of the National Debt Office.*

Enforcement of obligation as to maintenance and working of tramway.

3.—(1.) The redemption of their liability by the Treasury under this Act shall not affect the obligation of the company or any grand jury under the principal Acts as regards the efficient maintenance and working of the tramway, and if at any time it appears to the Lord Lieutenant on the report of the Board of Trade that such obligation is not fulfilled, he shall declare the same, and thereupon until the Lord Lieutenant declares that the obligation is being fulfilled, the grand jury shall pay to the Crown an annual sum (accruing from day to day) equal to *three per cent.* on the capital sum paid by the Treasury for the redemption of their liability; and such sum as may be from time to time certified by the Board of Works to be due under this enactment shall be paid by the grand jury at the cost of the guaranteeing baronies or other guaranteeing areas, and section four of the Public Works Loans (Ireland) Act, 1877, shall apply as if the sum and certificate were such sum and certificate as are in that section mentioned.

40 & 41 Vict. c. 77.

(2.) Any declaration of the Lord Lieutenant for the purposes of this section may be made as often as occasion arises.

Short title and construction.

4. This Act may be cited as the Tramways (Ireland) Act, 1894, and shall be construed as one with the Tramways (Ireland) Acts, and the Tramways and Public Companies (Ireland) Act, 1883 (in this Act referred to as the principal Acts).

23 & 24 Vict. c. 152.
24 & 25 Vict. c. 102.
34 & 35 Vict. c. 114.
39 & 40 Vict. c. 65.
44 & 45 Vict. c. 17.
46 & 47 Vict. c. 43.

Tramways (Ireland).

A

B I L L

To amend the Tramways and Public Companies (Ireland) Act, 1883.

(*Prepared and brought in by*
Sir John Hibbert,
Mr. Chancellor of the Exchequer, and
Mr. John Morley.)

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[*Price* ½*d.*]

[Bill 359.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Corporation Tramways, Liverpool and Walton-on-the-Hill Tramways, and Liverpool Corporation Tramways (Extensions). A.D. 1894.

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act, 1894. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, purchase Protection of houses of labouring classes.

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or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, on the fifteenth day of December last, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

Barrow-in-Furness Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Barrow-in-Furness to construct additional Tramways in the said Borough.

Liverpool and Walton-on-the-Hill Tramways.— Order authorising the Liverpool United Tramways and Omnibus Company to construct additional Tramways in the Parish and Township of Walton-on-the-Hill and for other purposes.

Liverpool Corporation Tramways (Extensions).—Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.

BARROW-IN-FURNESS CORPORATION.

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Order authorising the Mayor Aldermen and Burgesses of the Borough of Barrow-in-Furness to construct additional Tramways in the said Borough.

Short title. 1. This Order may be cited as the Barrow-in-Furness Corporation Tramways Order 1894.

Incorporation of Acts. 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation. 3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order :—

The expressions the "tramways" and the "undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised.

The expression the "borough" shall mean the borough of Barrow-in-Furness.

The expression the "Corporation" shall mean the mayor aldermen and burgesses of the borough.

The expression the "Order of 1884" shall mean the Barrow-in-Furness Tramways Order 1884.

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Order or in any Act wholly or partly incorporated with this Order shall have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Promoters.

The Promoters. 4. The Corporation acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as the "Promoters."

Lands by agreement 5. The Promoters may appropriate and use for the purposes of the undertaking any lands not dedicated to the public use now vested in them and forming part of their corporate estates and they may also by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking provided that they shall not at any time hold for such purposes

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more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections" the tramways herein-after described with all proper rails points junctions plates offices weigh-bridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be wholly situate in the borough and are as follows (that is to say) :—

Tramway No. 1 (four furlongs 1·50 chains in length of which three furlongs 2·50 chains are single line and nine chains are double line) commencing in Ferry Road at a point seventeen yards north-west of the north-west corner of the Crow Nest Hotel passing thence along Ferry Road into and along Michaelson Road and terminating in the last-mentioned road by a junction with the existing tramway therein at a point thirty-three yards from the intersection of Ferry Road and Michaelson Road measured in a northerly direction.

This tramway shall be laid as a single line except in the following instances where it shall be laid as a double line namely :—

(*a.*) In Ferry Road between the points twenty yards north-west and forty-six yards south-east respectively of the junction of St. Patrick's Road and Ferry Road.

(*b.*) In Ferry Road between the points thirty yards north-west and thirty-six yards south-east respectively of the west corner of the Naval Construction and Armaments Works.

(*c.*) In Ferry Road and Michaelson Road between the point thirty-seven yards north-west of the intersection of those roads and the termination of the tramway.

Tramway No. 4 (a single line 1·78 chains in length) wholly situate in Ferry Road commencing by a junction with Tramway No. 1 at the commencement thereof and terminating at a point thirty-nine yards from the commencement of the tramway measured in a northerly direction.

Tramway No. 5 (a single line 2·81 chains in length) commencing in Ferry Road by a junction with Tramway No. 4 at a point sixteen yards from the termination of such tramway passing thence in an easterly direction into and along Stanley Road and terminating therein at a point sixty-two yards from the commencement of the tramway.

Tramway No. 6 (a single line 1·66 chains in length) commencing in Stanley Road by a junction with Tramway No. 5 at a point sixteen yards from the termination of such tramway passing thence in a south-westerly direction into and along Ferry Road and terminating therein by a junction with Tramway No. 1 opposite to the north-west corner of the Crow Nest Hotel.

Tramway No. 7 (four furlongs 9·45 chains in length whereof four furlongs 3·45 chains are single line and six chains are double line) wholly situate in Abbey Road commencing by a junction with the existing tramway therein at the termination thereof opposite to Prior's Lea and terminating at a point forty yards south of the drinking fountain near Abbey Gate Cottages.

This tramway shall be laid as a single line except in the following instances where it shall be laid as a double line namely:—

(*a.*) Between the points one hundred and sixteen yards and one hundred and eighty-two yards respectively north-east of the intersection of Abbey Road and Leith Flat Brow Road.

(*b.*) Between the points two hundred and thirty-five yards and three hundred and one yards respectively from the intersection of Abbey Road and Rating Lane measured in a north-easterly direction.

Tramway No. 8 (a single line 1·89 chains in length) commencing in Abbey Road by a junction with Tramway No. 7 at a point one hundred and fifty yards from the commencement thereof passing thence in a north-westerly direction into and along a proposed road and terminating therein at a point thirty yards north-west of the intersection of Abbey Road and the said proposed road.

Tramway No. 9 (a single line 1·21 chains in length) commencing in the said proposed road by a junction with Tramway No. 8 at a point sixteen yards from the termination thereof passing thence in a southerly direction into and along Abbey Road and terminating therein by a junction with Tramway No. 7 at a point sixteen yards south-west of the intersection of Abbey Road and the said proposed road.

Tramway No. 10 (a single line 2·72 chains in length) commencing in Abbey Road by a junction with Tramway No. 7 at a point eighty yards from the termination of such tramway passing thence in a northerly and north-westerly direction into and along Dalton Lane and terminating therein at a point sixty yards from the commencement of the tramway.

Tramway No. 11 (a single line 2·43 chains in length) commencing in Dalton Lane by a junction with Tramway No. 10 at a point sixteen yards from the termination thereof passing thence in an easterly direction into and along Abbey Road and terminating therein by a junction with Tramway No. 7 at a point twenty-eight yards from the termination thereof.

Tramway No. 12 (a single line 2·55 chains in length) commencing in Michaelson Road by a junction with the existing tramway therein at a point thirty yards south of the centre of Schneider's statue passing thence in an easterly direction into and along Duke Street and terminating therein by a junction with the existing tramway therein opposite to the centre line of Burlington Street.

Tramway No. 13 (a single line three chains in length) wholly situate in Roose Road commencing by a junction with the existing tramway therein at a point thirty-five yards south-west of the west corner at the junction of the occupation road leading to Roose Farm with Roose Road passing thence in an easterly direction and terminating at a point sixty-eight yards from the commencement of the tramway.

Tramway No. 14 (a single line 1·70 chains in length) wholly situate in Roose Road commencing by a junction with Tramway No. 13 at a point sixteen yards from the termination thereof passing thence in a north-westerly and

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northerly direction and terminating at a point six yards east of the corner last above mentioned.

Tramway No. 15 (a single line 0·80 chains in length) wholly situate in Roose Road commencing by a junction with Tramway No. 14 at a point sixteen yards from the termination of such tramway passing thence in a south-westerly direction and terminating by a junction with Tramway No. 13 at a point twenty-three yards from the commencement thereof.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet three inches in width.

For the protection of the Furness Railway Company.

8. For the protection of the Furness Railway Company (herein-after in this section called "the company") the following provisions shall have effect that is to say:—

(1.) All works executed by the Promoters under the provisions of this Order in the construction of that portion of the Tramway No. 1 by this Order authorised which crosses on the level the shipyard siding of the company shown on the deposited plans shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company and shall be made only according to plans and sections to be submitted by the Promoters to such engineer and to be reasonably approved of by him in writing under his hand or in case of difference by the arbitrator to be appointed as in this section provided before any of such works are begun Provided always that such plans and sections shall be approved or disapproved within fourteen days after the same shall have been submitted to such engineer and shall be considered as approved if not disapproved within that time and that if the said engineer shall refuse or neglect to superintend any work after reasonable notice the Promoters may execute the work without his superintendence.

(2.) The Promoters shall not in the construction and maintenance of the said works injure the said siding or (except so far as may be necessary) obstruct or interfere with the free uninterrupted and safe user thereof.

(3.) If by the execution of any of the said works the said sidings or any of the traffic passing along the same shall be injured or damaged such injury or damage shall be forthwith made good by the Promoters at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs from the Promoters in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the railways or sidings of the company by the execution of the said works the Promoters shall on demand pay to the company all costs and expenses to which they may be put as well as compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the company from the Promoters in any court of competent jurisdiction.

(4.) The company may from time to time erect at and near the point where the Tramway No. 1 by this order authorised will cross on the level the said siding of the company such signals apparatus and conveniences as may

be necessary or as may from time to time be required by the Board of Trade and may appoint and remove such watchmen signalmen or other persons as may be necessary for the prevention of danger to or interference with the traffic on or over the said siding at and near the said crossing and the working and management of such signals apparatus and conveniences shall be under the exclusive regulation of the company and all the expenses of erecting and maintaining such signals apparatus and conveniences and of employing those watchmen signalmen and other persons and all incidental expenses connected therewith shall be repaid by the Promoters to the company as regards the expenses of erection on the completion thereof and as regards all such other expenses at the end of every half-year and in default of such repayment the amount of such expenses may be recovered from the Promoters by the company with full costs in any court of competent jurisdiction.

(5.) The Promoters shall at all times maintain and repair and keep in good order and condition to the reasonable satisfaction in all respects of the engineer of the company the portion of the said Tramway No. 1 which will be carried across and on the level of the said siding of the company and if and when the Promoters fail so to do the company may make and do such works of maintenance and repair as may be necessary and the sum from time to time expended by the company in that behalf shall be repaid to the company by the Promoters and in default of payment may be recovered by the company from the Promoters with full costs in any court of competent jurisdiction.

(6.) Notwithstanding anything in this Order contained it shall not be lawful for the Promoters except with the previous consent in writing of the company to make between the point marked on the deposited plans of Tramway No. 1 three furlongs (indicating the distance of three furlongs from the commencement of the tramway) and the termination of that tramway any crossings passing places sidings triangles junctions turn-outs or other works in addition to those shown on the deposited plans and particularly specified in and authorised by this Order.

(7.) If any difference at any time arises between the company and the Promoters touching any of the matters mentioned or referred to in this section such difference shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

For the protection of the Barrow Ship-building Company Limited.

9. For the protection of the Barrow Ship-building Company Limited (herein-after in this section called "the company") the following provisions shall have effect that is to say :—

(1.) All works executed by the Promoters under the provisions of this Order in the construction of that portion of the Tramway No. 1 by this Order authorised which crosses on the level the tramway of the company shown on the deposited plans shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company and shall be made only according to plans and sections to be submitted by the Promoters to such engineer and to be reasonably approved of by him in writing under his hand or in case of difference by the arbitrator to be appointed as in this section provided before any of the works are begun

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Provided always that such plans and sections shall be approved or disapproved within fourteen days after the same shall have been submitted to such engineer and shall be considered as approved if not disapproved within that time and that if the said engineer shall refuse or neglect to superintend any work after reasonable notice the Promoters may execute the work without his superintendence.

(2.) The Promoters shall not in the construction and maintenance of the said works injure the said tramway of the company nor except so far as may be necessary obstruct or interfere with the free uninterrupted and safe user thereof.

(3.) If by the execution of any of the said works the said tramway of the company or any of the traffic passing along the same shall be injured or damaged such injury or damage shall be forthwith made good by the Promoters at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs from the Promoters in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the said tramway of the company by the execution of the said works the Promoters shall on demand pay to the company all costs and expenses to which they may be put as well as compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the company from the Promoters in any court of competent jurisdiction.

(4.) The company may from time to time erect at and near the point where the Tramway No. 1 by this Order authorised will cross on the level the tramway of the company such signals apparatus and conveniences as may be necessary or as may from time to time be required by the Board of Trade and may appoint and remove such watchmen signalmen or other persons as may be necessary for the prevention of danger to or interference with the traffic on or over the said tramway of the company at and near the said crossing and the working and management of such signals apparatus and conveniences shall be under the exclusive regulation of the company and all the expenses of erecting and maintaining such signals apparatus and conveniences and of employing those watchmen signalmen and other persons and all incidental expenses connected therewith shall be repaid by the Promoters to the company as regards the expenses of erection on the completion thereof and as regards all such other expenses at the end of every half-year and in default of such repayment the amount of such expenses may be recovered from the Promoters by the company with full costs in any court of competent jurisdiction.

(5.) The Promoters shall at all times maintain and repair and keep in good order and condition to the reasonable satisfaction in all respects of the engineer of the company the portion of the said Tramway No. 1 which will be carried across and on the level of the tramway of the company and if and when the Promoters fail so to do the company may make and do such works of maintenance and repair as may be necessary and the sum from time to time expended by the company in that behalf shall be repaid to the company by the Promoters and in default of payment may be recovered by the company from the Promoters with full costs in any court of competent jurisdiction.

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(6.) Notwithstanding anything in this Order contained it shall not be lawful for the Promoters except with the previous consent in writing of the Company to make between the point marked on the deposited plans of Tramway No. 1 three furlongs (indicating the distance of three furlongs from the commencement of the tramway) and the termination of that tramway any crossings passing places sidings triangles junctions turnouts or other works in addition to those shown on the deposited plans and particularly specified in and authorised by this Order.

(7.) If any difference at any time arises between the Company and the Promoters touching any of the matters mentioned or referred to in this section such difference shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

As to rails of tramways.

11. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with any of the provisions of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made any default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Additional passing places may be made where necessary.

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings triangles junctions turnouts and other works in addition to those particularly specified

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in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works of the Promoters or their lessees or licensees Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made where necessary.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may from time to time construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

15. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Tramways not to be opened until certified by Board of Trade.

16. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Carriages on tramways may be moved by animal steam or mechanical power.

17. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board by steam power or any mechanical power including haulage by wires ropes cables chains or other appliances placed underground in connection with stationary engines or otherwise and electric power carried along with the carriages or applied by means of the rails or conductors placed above on or under the ground Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

Provided also that the lessees under any lease granted by the Promoters shall not use steam or any mechanical power on the tramways or any part thereof unless they are authorised to do so by the special permission of the Promoters

and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions as they may think fit.

Penalty for using steam or mechanical power contrary to order or regulations.

18. The Promoters or their lessees or any company or person using any power other than animal power on the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or their lessees or any company or person using any power other than animal power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the Schedule A. to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or their lessees or such company or person to cease to exercise the powers aforesaid and thereupon the Promoters or their lessees or such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

19. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any power other than animal power may be used under the authority of this Order for all or any of the following purposes that is to say :—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine.

For regulating the emission of smoke or steam from engines used in working the tramways.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety.

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages.

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

20. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for

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non-observance of any byelaw made by the Board of Trade under the authority of this Order.

Amendment of Tramways Act 1870 as to byelaws by local authority.

21. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed &c.

22. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

Amendment of Order of 1884.

23. The expression "mechanical power" in the Order of 1884 shall be deemed to include electric power carried along with the carriages or applied by means of the rails or conductors placed above on or under the ground Provided that in no case shall electric power be used on any of the tramways by that Order authorised (unless such power is entirely contained in and carried along with the carriages) without the consent in writing of the corporation and then only subject and according to such conditions as the corporation may prescribe.

Restrictions on use of electric power.

24. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order or of the Order of 1884 unless such power is entirely contained in and carried along with the carriages:—

(1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

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(7.) The expression "the Promoters" in this section shall include their lessees and the licensees and any company or person owning or using any tramway of the Promoters or any tramway authorised by the Order of 1884.

For protection of the Postmaster-General.

25. Section three of the Barrow-in-Furness (Release of Deposit) Order 1888 is hereby repealed and the following provisions shall apply and have effect in lieu thereof in the event of the tramways or any part thereof being worked by electricity :—

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs of the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) In this section the expression "the Promoters" includes their lessees and the licensees and any company or person owning or using the tramways and the expression "the tramways" includes the tramways authorised by the Order of 1884.

Traffic and Tolls.

Applying provisions of Order of 1884 as to traffic tolls &c.

26. The tramways by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Order of 1884 and the provisions of sections thirty-eight to forty-six (both inclusive) of that Order and of Schedule B. thereto shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part

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of the tramways authorised by the Order of 1884 and for the purposes of such application the expression "the Promoters" in the said provisions shall be construed to mean the lessees and any company or person working any of the tramways.

Fares not to be raised on Sundays &c

27. The lessees or any company or person working any of the tramways authorised by this Order or by the Order of 1884 shall not raise their fares on any Sunday or public holiday.

Miscellaneous.

Confirmation of scheduled agreement.

28. The agreement made between the Promoters and the Barrow-in-Furness Tramways Company Limited set forth in the Schedule B. to this Order is hereby confirmed and made binding on the parties thereto and the same shall be carried into effect subject and according to the provisions of this Order.

Promoters may in certain cases work tramways

29. If at any time the Promoters are unable to demise any tramways for the time being belonging to them or any part thereof respectively upon such terms as in the opinion of the Board of Trade will yield to the Promoters an adequate rent therefor the Board of Trade may grant a licence to the Promoters to work such tramways and the Promoters may thereupon work the same and may provide such horses cars engines machines fixed and moveable tramway plant materials and things (all of which are hereafter included in the word "plant") and may employ such persons as may be requisite or convenient for working such tramways and in such case all enactments relating to the working of such tramways and the taking of tolls rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Promoters.

Provided that if at any time during such working by the Promoters any company make to the Promoters a tender in writing to take a lease of and to work such tramways or such part thereof as aforesaid for such period (not being less than seven years unless the Promoters otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper and such company at the same time offer to purchase the plant of the Promoters not included in such lease at a price to be fixed (unless otherwise agreed on between such company and the Promoters) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Promoters shall demise such tramways to such company at such rent and upon such terms and conditions as aforesaid and the powers of the Promoters to work such tramways or such part thereof as aforesaid shall during the continuance of such lease cease and determine.

Provisions as to arbitration.

30. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

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31. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):—

Form and delivery of notices.

(1.) Every notice shall be in writing and if given by the Promoters shall be signed by their town clerk and if given by any company or by any local authority or any road authority by their secretary or clerk.

(2.) Any notice to be delivered by or to the Promoters to or by any body or company may be delivered by being left at the principal office of such body or company or at the said town clerk's office as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to the said town clerk at his office.

Mortgages to include rents.

32. The Corporation may include in any mortgage of the local rate made by them under section twenty of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Audit of accounts.

33. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Promoters and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Section 265 of the Public Health Act 1875 incorporated.

34. Section two hundred and sixty-five (protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Saving for general Acts

35. Nothing in this Order contained shall exempt the Promoters lessees or any company or person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

SCHEDULE A.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted:—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

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Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

SCHEDULE B.

MEMORANDUM of AGREEMENT entered into this twenty-first day of February, one thousand eight hundred and ninety-four between the mayor aldermen and burgesses of the borough of Barrow-in-Furness (herein-after called "the Corporation") of the one part and the Barrow-in-Furness Tramways Company Limited (herein-after called "the Company") of the other part Whereas under a Provisional Order made by the Board of Trade under the Tramways Act 1870 and confirmed by Act of Parliament (47 and 48 Vict. c. cvii.) which received the Royal Assent on the fourteenth day of July one thousand eight hundred and eighty-four certain tramways and works have been constructed by the Company in the borough of Barrow-in-Furness aforesaid and it has been deemed expedient that such extensions should be made and such further works constructed as are particularly set forth in the schedule hereto and accordingly the Corporation with the approval of the Company have applied to the Board of Trade under the provisions of the Tramways Act 1870 for a Provisional Order for powers to carry out such extensions and works as aforesaid Now these presents witness and it is mutually agreed between the Corporation and the Company as follows :—

1. The Corporation shall continue their application to the Board of Trade under the provisions of the Tramways Act 1870 for a Provisional Order to authorise the construction of the works mentioned in the schedule hereto and shall use their best endeavours to obtain such Provisional Order and afterwards to procure the same to be confirmed by Parliament.

2. If such Provisional Order shall be obtained and afterwards confirmed the Corporation shall be at liberty to construct the works to be so authorised or such of them as may from time to time be considered by the council to be expedient and the Company shall afford the Corporation all reasonable facilities for the purpose of making connexions with the existing lines of the Company The Corporation may at any time they think fit pave the line described in the first

part of the said schedule with setts and for this purpose may enter on the line after the same has been leased to the Company (as provided for in the following clause) but for the purposes of this clause the Corporation shall not stop the traffic upon such lines for an unreasonable length of time The Company shall be entitled to compensation from the Corporation for any unreasonable stoppage of traffic under this clause.

3. The Corporation shall subject to the consent of the Board of Trade being obtained and subject to the provisions of the Tramways Act 1870 and of the Provisional Order to be so obtained as aforesaid lease the use of the line described in the first part of the said schedule to the Company and the Company shall accept a lease thereof for a term commencing from the expiration of fourteen days after the date on which the said line shall have been certified by the Board of Trade to be fit for public traffic and ending on the fourteenth day of July one thousand nine hundred and five or such earlier day as the Corporation under the provisions of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or of any of them shall purchase or take over the undertaking of the Company authorised by such last-mentioned Order and Act Such lease shall contain provisions making it obligatory on the Company to run cars from one extremity of the line the use whereof is demised to the other extremity at least fourteen times a day each way during the months of October to April inclusive and twenty-eight times a day each way during the months of May to September inclusive in each year (Sundays Good Friday and Christmas Day excepted) between the hours of eight in the morning and ten in the evening and at least one car each way every hour To fulfil during the term (except as mentioned in clause five hereof the obligations by the Tramways Act 1870 and the Provisional Order so to be obtained as aforesaid imposed on the Corporation as promoters or owner of the tramway the right of user whereof is demised To repair and maintain (except as aforesaid) the said tramway including the sett paving to the extent mentioned in section twenty-eight of the Tramways Act 1870 when laid such repairs to be to the reasonable satisfaction of the borough engineer and on the determination of the lease without renewal to deliver up to the Corporation the said tramway the right of user whereof is demised. There shall also be contained in such lease a power for the Corporation to determine the lease in the event of the Board of Trade making an order under section forty-two of the Tramways Act 1870 declaring that the powers of the Promoters in respect of the tramways authorised by the said Provisional Order and Act of 1884 shall be at an end and also a proviso for re-entry by the Corporation for the same cause Such of the provisions of the Provisional Order of 1884 as are not inconsistent with these presents shall so far as applicable to the said tramway the right of user whereof is demised be incorporated in the said lease In case the parties shall differ as to the terms of such lease the draft thereof shall be settled by some person to be nominated by the Board of Trade.

4. The rent to be reserved by the lease mentioned in the last preceding clause shall be one hundred and twelve pounds fifteen shillings per annum payable half-yearly until the line is sett paved by the Corporation but if the Corporation shall pave the line of the said proposed extension with setts as herein-before mentioned the rent shall be increased by the yearly sum of seventy-five pounds fifteen shillings and ninepence such additional rent to become due as from the date on which the sett paving shall be certified by the borough engineer as completed and to be

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payable on the first half-yearly day of payment of rent mentioned in the lease which shall happen to follow the date of such certificate.

The amounts of the rents mentioned in this clause have been calculated on the assumption of the said proposed Provisional Order being made and confirmed in the form in which it was deposited with the omission of the tramways numbered 2 and 3 and the portion of Tramway No. 1 not included in this agreement and if any further capital expenditure is incurred in respect of the line of tramway described in the first part of the said schedule by reason of any addition to or alteration in that form the said rents shall be increased by a sum equal to five pounds ten shillings per cent. on the amount of such further expenditure Provided that if such addition or alteration is estimated to involve a further capital expenditure exceeding four hundred pounds the Company shall not be bound to accept the lease if they give notice that they decline to do so to the Corporation within one month after the Act confirming the Provisional Order shall have received the Royal Assent.

5. Until the Corporation shall pave the line of tramway with setts as mentioned in clause two hereof the Corporation will properly maintain at their own cost the whole of the macadam of the roadways over which the said line described in the first part of the said schedule shall be laid.

6. If and when the Corporation shall construct any one or more of the works described in the second part of the said schedule the Company shall subject to the consent of the Board of Trade being obtained purchase each of the works so constructed at the price set opposite each work in the said schedule the purchase money to be paid by ten equal yearly instalments the first of such instalments to become payable on the certificate of the borough engineer that such work has been completed Provided that if in the case of any purchase the last of the said ten yearly instalments of purchase money shall not have become payable on or before the said fourteenth day of July one thousand nine hundred and five then and in such case the unpaid balance of the said purchase money shall become due and payable on the said fourteenth day of July one thousand nine hundred and five The Company shall pay interest at four pounds per cent. per annum on the balance of the purchase money from time to time remaining unpaid in respect of each of the works purchased as aforesaid such interest to be calculated up to and payable on the same half yearly days as the rent to be reserved by the lease before mentioned The Company shall be entitled to have possession of each of the said works purchased as aforesaid on payment of the first instalment of purchase money in each case but none of such works shall become or be considered to be the property at law of the Company until payment of the last instalment and all arrears of interest due to the Corporation in respect thereof The Company shall maintain and keep all the said works in respect of which any instalment remains to be paid in good and substantial repair and working order to the reasonable satisfaction of the engineer to the Corporation.

7. Subject to the provision herein-before contained that none of the said works purchased as aforesaid shall become the property at law of the Company until the payment of the last instalment of the purchase-money and all arrears of interest due to the Coporation in respect thereof each of the said works purchased as aforesaid shall be deemed to be part of the original undertaking of the Company authorised by the Provisional Order and Act of 1884 and shall be subject to all the powers and provisions applicable to such undertaking under or by virtue of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or any

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of them in like manner in all respects as though the same had formed part of the original undertaking of the Company authorised by the said Provisional Order and Act of 1884 and in particular in respect to the exercise by the Corporation of all or any of their powers of purchasing such original undertaking under or by virtue of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or any of them.

8. Provided always that in the event of the Corporation purchasing the said undertaking of the Company before the last instalment of purchase money and all arrears of interest due to the Corporation in respect of any of the works purchased as aforesaid shall have been duly paid the amount of the compensation payable by the Corporation to the Company in respect of such work shall be the aggregate amount of the instalments of purchase money actually paid in respect thereof less all arrears of interest up to the date of the purchase of the said undertaking.

9. There shall be no obligation on the Corporation to construct all or any of the works described in the schedule but as soon as any portion of any of the said works shall be completed the Company shall perform their part of this agreement in respect of such portion without waiting for the completion of any other of the works so described.

10. If any difference shall arise between the Corporation and the Company touching these presents or anything herein contained or as to the amount of any compensation payable under this agreement or for any breach thereof or otherwise or the construction or operation of this agreement or the rights duties or liabilities of any party in connexion with the premises (excepting the payment of the instalments and interest mentioned in clause six) the matter in difference shall be referred to two arbitrators one to be appointed by each party pursuant and so as in all respects to conform to the provisions in that behalf contained in the Arbitration Act 1889 or any then subsisting statutory modification thereof.

11. This agreement is to be subject to such alterations and modifications if any as to the Board of Trade or to any Committee of either House of Parliament shall seem fit but if any such material alteration shall be made either party hereto shall be at liberty at any time before the passing of the Act confirming the Provisional Order to be obtained as aforesaid by notice in writing under their common seal to rescind this agreement In witness whereof the Corporation and the Company have hereunto affixed their respective common seals.

The SCHEDULE above referred to.

First Part.

(A.) Such part of Tramway No. 1 described in the draft of the said proposed Provisional Order as lies between its junction in Ferry Road with Tramway No. 4 in the same draft Order at a point seventeen yards north-west of the north-west corner of the Crow Nest Hotel and the termination of the said Tramway No. 1 in Michaelson Road at a point thirty-three yards from the intersection of Ferry Road and Michaelson Road measured in a northerly direction.

(B.) The whole of the Tramways Nos. 4 5 6 in the said draft Order.

Second Part.

So much of Tramway No. 7 (being 7·60 chains in length of single line throughout) as extends from its commencement in Abbey Road at its junction with the

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existing tramway to the point of the intersection of the imaginary centre lines of the Abbey Road and the Leigh Flat Brow and the whole of Tramways Nos. 8 and 9 six hundred and eleven pounds two shillings and sixpence.

Tramway No. 12 one hundred and seventy-eight pounds.

Tramways Nos. 13 14 and 15 three hundred and fifty-nine pounds.

The common seal of the mayor aldermen and burgesses of the borough of Barrow-in-Furness was hereunto affixed in the presence of } Seal of Corporation.

AUGUSTUS H. STRONGITHARM,
Deputy Mayor.

C. F. PRESTON,
Town Clerk.

The common seal of the Barrow-in-Furness Tramways Company Limited was hereunto affixed by the authority of the Board of Directors in the presence of } Seal of Company.

HENRY FISHWICK,
E. HORTON, } Directors.
WALTER J. KERSHAW,
Secretary.

Liverpool and Walton-on-the-Hill.

LIVERPOOL AND WALTON-ON-THE-HILL TRAMWAYS.

Order authorising the Liverpool United Tramways and Omnibus Company to construct additional Tramways in the parish and township of Walton-on-the-Hill and for other purposes.

Short title.

1. This Order may be cited as the Liverpool and Walton-on-the-Hill Tramways Order 1894.

Incorporation of Acts.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the authorised tramways" shall mean the tramways and any tramways for the time being owned by or leased to the Promoters:

The expression "the Walton Order 1880" shall mean the Walton-on-the-Hill Tramways Order 1880.

The expression "the Act of 1882" shall mean the Liverpool Tramways Act 1882.

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The expression "the Act of 1892" shall mean the Liverpool Tramways Act 1892.

Liverpool and Walton-on-the-Hill.

The expression "the Local Board" shall mean the Local Board for the district of Walton-on-the-Hill in the county of Lancaster and shall include any corporation or authority which may hereafter be substituted for the Local Board as the local authority in respect of the tramways.

The expression "mechanical power" shall mean electric power whether carried on the cars or transmitted by means of an electric line (and "electric line" for this purpose shall have the same meaning as in the Electric Lighting Act, 1882) and steam or other mechanical power including ropes cables chains or wires laid below the surface of the ground.

The Promoters.

4. The Liverpool United Tramways and Omnibus Company incorporated by the Liverpool United Tramways and Omnibus Company's Act 1879 shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of Tramways.

Construction of tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works mechanical appliances and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are:—

Tramway No. 2 situate in the parish and township of Walton-on-the-Hill commencing at a point on the boundary line between the city of Liverpool and Local Government District of Walton-on-the-Hill distant thirty feet in a south easterly direction from the corner of Barlow Lane and Carisbrooke Road and proceeding in an easterly direction across the junction of County Road and Walton Road along Spellow Lane Walton Lane and Anfield Road and terminating on the boundary line between the City of Liverpool and the Local Government District of Walton-on-the-Hill at a point thirty feet distant in an easterly direction from the boundary wall of the chapel situate at the corner of Sleepers Hill and Anfield Road and forming a junction there with a tramway proposed to be laid in Sleepers Hill by the Corporation of Liverpool.

Tramway No. 2 shall be laid as a single line except at the following places where it shall be laid as a double line namely:—

In Spellow Lane between a point twenty feet in a northerly direction from the north-east corner of the Royal Oak Hotel in Spellow Lane and a point eighty-two feet distant in a westerly direction from the south-west corner of Goodison Road at its junction with Spellow Lane.

Provided that between the said points the said tramway shall consist of three rails only so laid as to admit of either of the outer rails together with the centre rail being used as a single line of tramway Provided also that at or near each end of Spellow Lane a suitable crossover line shall be laid so as to enable a tramway car to pass from the side of Spellow Lane along which it would ordinarily travel to the line of rails on the other side for the purpose of avoiding any obstruction in Spellow Lane.

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In Spellow Lane between a point eighty-two feet distant in a northerly direction from the south-west corner of Goodison Road at its junction with Spellow Lane and a point seventy feet distant in a southerly direction from the said corner.

In Walton Lane between a point fifty feet distant in a south-easterly direction from the north-east corner of Langham Street at its junction with Walton Lane and a point one hundred and twenty-two feet distant in a south-easterly direction from the same corner.

In Walton Lane between a point sixty-three feet distant in a north-easterly direction from the south-east corner of Marius Street at its junction with Walton Lane and a point thirty-five feet distant in a south-easterly direction from the same corner.

In Walton Lane between a point thirty feet distant in an easterly direction from the south-east corner of Cockerell Street at its junction with Walton Lane and a point eighty-eight feet distant in a southerly direction from the same corner.

In Anfield Road from a point thirty-eight feet distant in a northerly direction from the north-west corner of Sleepers Hill at its junction with Anfield Road to the termination of the said tramway.

The total length of Tramway No. 2 will be four furlongs 1·50 chains.

The total length of the single portion will be two furlongs five chains.

The total length of the double portion will be one furlong 6·50 chains.

Application of certain provisions of Act of 1882 and of Act of 1892.

6. The provisions of sections twenty-three to thirty-one (both inclusive) of the Act of 1882 and of section eight of the Act of 1892 shall extend and apply to the the tramways and undertaking by this Order authorised and for the purposes of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include respectively the tramways and undertaking as defined by this Order and the expressions "the Company" and "this Act" shall be construed to mean the Promoters and this Order respectively.

For protection of the Local Board.

7. The following provisions for the protection and benefit of the Local Board shall apply and have effect viz.:

(Power for Local Board to elect to be substituted as Promoters.)

(1.) The powers in this Order contained for the construction and maintenance by the Promoters of the tramways shall be suspended for six months from the passing of the Act confirming this Order and the Local Board if they so decide by a resolution passed at a special meeting may within such period of six months by notice in writing intimate to the Promoters the intention of the Local Board to be substituted in the place of the Promoters for the purposes of this Order and thereupon provided that the Local Board shall also cause a copy of such notice to be published within the like period once in the "London Gazette" all the rights powers authorities and duties conferred or imposed by this Order upon the Promoters as to the construction maintenance and use of the tramways and the works connected therewith or incidental thereto shall subject to the provisions herein-after contained be transferred to vested in and imposed on and may thenceforth be exercised by the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and works and the Local Board shall so far as regards the construction maintenance and use of such tramways be deemed to be the Promoters and

this Order shall be construed accordingly Provided always that in no case shall the construction of the tramways be commenced by the Local Board until after the passing of an Act or the confirmation by Parliament of a Provisional Order authorising the mayor aldermen and citizens of the city of Liverpool to construct tramways in Sleepers Hill and that if after such notice as aforesaid has been sent by the Local Board the tramways or any part thereof shall not be completed within eighteen months from the passing of such an Act or from the confirmation of such a Provisional Order as aforesaid then all the powers of this Order in respect of the tramways or such part thereof as shall not have been completed as aforesaid shall revert to and be exerciseable by the Promoters as if no such notice had been sent Provided also that nothing herein contained shall authorise the Local Board to place or run carriages on any of the tramways and to demand tolls or charges in respect of such carriages.

(Power for Local Board to purchase tramways.)

(2.) In lieu of exercising the powers herein-before in this section contained the Local Board in addition to the powers conferred upon them by section forty-three of the Tramways Act 1870 may if they so decide by a resolution passed at a special meeting in accordance with the provisions of section forty-three of the Tramways Act 1870 at any time after the completion of the tramways or any part thereof by notice in writing sent to the Promoters require the Promoters to sell to the Local Board the tramways or such of them as may at any time be constructed by the Promoters under the powers of this Order and thereupon provided that the Local Board shall also cause a copy of such notice to be published once in the "London Gazette" the Promoters shall sell and convey the same to the Local Board and such sale shall be deemed to be a sale within the meaning of section forty-three of the Tramways Act 1870 and the provisions of the said section so far as the same are applicable shall apply to any sale of such tramways under the authority of this section Provided that the amount of the purchase money shall be the amount properly expended by the Promoters in the construction of such tramways The sale shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and upon the execution of such deed all the rights powers and authorities of the Promoters in respect of the tramways sold shall subject to the provisions herein-after contained be transferred to and vested in and may be exercised by the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and in reference to the same the Local Board shall be deemed to be the Promoters and this Order shall be construed accordingly Provided nevertheless that the Local Board shall not be entitled to exercise the powers in this or the immediately preceding subsection contained or either of them unless they simultaneously by notice in writing to the Promoters require the Promoters to sell to the Local Board the tramways in the district of the Local Board authorised by the Act of 1882 in accordance with section thirty-eight subsection two of that Act Provided also that nothing herein contained shall authorise the Local Board to place or run carriages on any of the tramways and to demand tolls or charges in respect of the use of such carriages.

(As to payment of expenses of Local Board.)

(3.) The Local Board may pay all expenses incurred by them in carrying out any of the provisions of this Order out of the like rate and shall have the like powers to borrow on the same security as if such expenses were expenses

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incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act 1870 and for the purpose of such borrowing the Local Board may include in any mortgage of the local rate any rents reserved under any lease granted by them of any tramways constructed or purchased by them under this Order.

(Local Board to lease tramways to Promoters.)

(4) Immediately after the construction or purchase of any of the tramways by the Local Board under this Order they shall cause to be prepared and execute a lease of the same to the Promoters for a term commencing at the expiration of fourteen days after the date on which such tramways are certified by the Board of Trade to be fit for public traffic or after the date on which such purchase is completed as the case may be and terminating at the same time as the lease granted to the Promoters under section forty-five of the Liverpool Tramways Act 1880 or at the expiration of any extension which may have been granted of the term for which such last-named lease was made and the rent to be reserved by the lease by this section authorised shall be nine pounds per centum upon the cost of construction or purchase-money (as the case may be) and such lease shall be subject to the approval of the Board of Trade and shall in other respects than in this section mentioned be upon and subject to the same terms and conditions as those contained in the existing lease of the tramways within the district of Walton-on-the-Hill from the Local Board of the said district to the Promoters so far as the same are applicable and the Promoters shall accept such lease and execute a counterpart thereof and thereupon all the provisions of this Order with respect to traffic and the tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the Promoters as lessees of the Local Board with respect to the tramways comprised in such lease.

(As to running of cars during lease.)

(5) During the continuance of any lease granted by the Local Board under this Order the Promoters shall run cars every day (except Sundays) between the hours of 8.30 in the forenoon and 8.30 in the evening at intervals of not more than half an hour between both ends of the tramways.

(Local Board to have access to sewers.)

(6) The Local Board shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections thirty-two and thirty-three of the Tramways Act 1870 shall apply to any sewer or drain of the Local Board as if the same were a pipe for the supply of gas or water.

(Rails &c. to be approved by Local Board.)

(7) Subject to the approval of the Board of Trade the rails sleepers and details of construction of the tramways shall be such as may be approved by the Local Board.

(Application of road materials.)

(8) Any paving metalling or material (except square sets) excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the Local Board shall belong to the said Board and the Promoters shall when required so to do permit such paving metalling or material to be taken away by the surveyor for the time being of such Board or by such person as he may appoint Provided that if within seven days after the setting aside of such paving metalling or material and notice

thereof duly given to the Local Board by the Promoters such paving metalling or material is not removed by such surveyor or by some other person named by him for that purpose such paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and the Local Board under this sub-section shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

(As to paving.)

(9) The Promoters shall pave with square sets the whole of the space between the outside of the tramways in Spellow Lane and the footpath at the sides of that road notwithstanding that the width of such space may exceed eighteen inches provided always that if the Local Board elect to construct the tramways under sub-section (1) of this section the cost of the paving required to be done under this sub-section beyond the limit of eighteen inches outside the tramway rails shall not be taken as part of the cost of construction of the tramways for the purpose of computing the amount of the rent to be reserved in any lease of the tramways under sub-section (4) of this section but the same shall be paid by the Promoters to the Local Board within one month from the date when the tramways are certified by the Board of Trade to be fit for public traffic.

(Promoters to keep account of cost of construction.)

(10) The Promoters shall keep an account of the cost of the construction of the tramways constructed by them and shall forthwith after the construction of such tramways by them furnish a copy of such account to the Local Board and shall also permit such Board and any person authorised by them at all reasonable times to inspect the original of such account and all contracts receipts and vouchers relating thereto.

For the protection of the London and North-Western Railway Company.

8. In constructing and maintaining under the provisions of this Order any pipes and excavations under any of the authorised tramways in order to lay use and maintain electric wires wire ropes or cables or any similar apparatus as or for transmitting motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such electric wires wire ropes cables or apparatus in any place where such tramways cross any railway tunnel or bridge carrying any road over or under a railway of the London and North-Western Railway Company (herein-after called "the Railway Company") the following provision shall be in force and have effect and be binding upon the Promoters and their successors and assigns.

(A.) The Promoters shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations electric wires wire ropes cables and apparatus over any such tunnel or bridge and the approaches thereto or under such bridge as the case may be as not injuriously to affect the same.

(B.) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations electric wires wire ropes cables and apparatus the Railway Company may at the expense of the Promoters restore such tunnel bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify

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the Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining the road over or under such tunnel bridge and approaches in so far as the necessity for such repair or maintenance has arisen in consequence of the construction maintenance laying repairing user or removal of such pipes excavations electric wires wire ropes cables and apparatus as aforesaid and the Railway Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of the like amount is recoverable.

(c.) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations electric wires wire ropes cables or apparatus over or under any railway tunnel bridge works or other property of the Railway Company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the Railway Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the Railway Company or the Promoters.

(d.) Nothing contained in this Order shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the Railway Company otherwise than is by this Order expressly provided.

Motive Power.

Carriages may be moved by animal or mechanical power.

9. The carriages used on any of the authorised tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in the schedule to the Act of 1892 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of mechanical power on the authorised tramways Provided also that the Promoters shall not use any mechanical power on any tramways leased to them or on any part thereof unless they are authorised to do so by special permission in the lease thereof to them and the lessors of any such tramways may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions as they may think fit.

Power to lay and maintain pipes and make excavations in streets.

10. The Promoters may from time to time lay and maintain pipes and make excavations under any of the authorised tramways or any part thereof in order to lay use and maintain electric wires wire ropes or cables or any similar apparatus as or for transmitting motive power for the carriages running on such tramways or any of them and the Promoters may manufacture or obtain and use electric wires wire ropes cables or other material and all machinery necessary for such

motive power Provided always that with regard to any tramways of which the Promoters may be the lessees this power shall only be exercised subject to the previous consent and approval in all respects of the owners of such tramways and Provided also that this power shall not extend to those portions of any tramways where there is not a space of nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of such tramways unless the Board of Trade consent thereto in writing and provided also that nothing herein shall authorise or empower the Promoters to lay down or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof and provided also that nothing in this section shall exempt the Promoters from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in the exercise of the powers of this section.

Application of certain provisions of Act of 1892 as to mechanical power.

11. The provisions of sections seventeen to twenty-two (both inclusive) and of section thirty-eight of the Act of 1892 and of the schedule to the said Act annexed shall extend and apply to the authorised tramways and for the purposes of such application the expressions "the tramways" "the Company" and "this Act" in the said provisions shall be construed to include respectively the authorised tramways as defined by this Order the Promoters and this Order: Provided always that notwithstanding anything contained in this Order the provisions of sections twenty-one and twenty-two of the Act of 1892 shall not apply to any of the authorised tramways belonging to a local authority.

Repeal of section 30 of Act of 1892.

12. Section thirty of the Act of 1892 is hereby repealed and so long as the Promoters are the lessees of any tramway belonging to the mayor aldermen and citizens of the city of Liverpool the provisions of section fourteen of the Liverpool Corporation Tramways (Extensions) Order 1891 shall not apply to any such tramway.

Provisions as to use of electric power

13. The following provisions shall apply to the use by the Promoters of electric power upon any of the authorised tramways under the provisions of the Act of 1892 or of this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3) The powers by the Act of 1892 or this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reason-

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ably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of the Act of 1892 or this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any of the authorised tramways.

Traffic and Tolls.

Applying certain provisions of Walton Order 1880 as to traffic and tolls.

14. The tramways by this Order authorised shall save as by this Order expressly provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Walton Order 1880 and the provisions of sections twenty-five to thirty-four (both inclusive) and of Schedule B of the Walton Order 1880 shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in the same manner in all respects as if the tramways by this Order authorised formed part of the tramways authorised by the Walton Order 1880 and for the purposes of such application the expression "the lessees" in the said provisions shall be construed to mean the Promoters.

As to passengers' luggage.

15. Notwithstanding anything contained in any Act of Parliament or Provisional Order confirmed by Parliament authorising the construction of any of the authorised tramways the obligation of the Promoters to carry the luggage of any passenger shall subject to the consent in writing thereto of the lessors in the case of any tramway leased to the Promoters be limited to the personal luggage of such passenger not exceeding twenty-eight pounds in weight and shall be conditional on such luggage being carried by hand and not occupying any part of a seat and not being of a form or description to annoy or inconvenience any passenger and all luggage shall in any case be carried at the responsibility of the passenger and the Promoters shall be under no responsibility with regard thereto.

Miscellaneous.

Provisions as to arbitration.

16. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

17. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say) :—

(1.) Every notice shall be in writing and if given by the Promoters or by any local authority or any road authority shall be signed by their secretary or clerk :

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(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Promoters as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Agreements between Promoters and road authorities.

18. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same.

Power to enter into agreements with respect to traffic &c.

19. The Promoters or any person using the tramways under the authority of this Order on the one hand and any Company or person on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with respect to the receiving from or forwarding to any such company or person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising in respect of such traffic.

Approval of Board of Trade to sale.

20. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing Provided that nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

For protection of the Postmaster-General.

21. Section twenty-nine of the Act of 1892 is hereby repealed and the following provisions shall apply and have effect in lieu thereof in the event of any of the authorised tramways or any part thereof being worked by electricity :—

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the authorised tramways by electricity is done within ten yards of any part

of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision

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shall be final, and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

Saving for general Acts.

22. Nothing in this Order contained shall exempt the Promoters or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

Liverpool.

LIVERPOOL CORPORATION TRAMWAYS (EXTENSIONS).

Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.

Short title.

1. This Order may be cited as the Liverpool Corporation Tramways (Extensions) Order 1894.

Incorporation of Acts.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings provided that in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Order of 1883" shall mean the Liverpool Corporation Tramways (Extensions) Order 1883; and

The expression "the Corporation" shall mean the mayor aldermen and citizens of the city of Liverpool in the county of Lancaster acting by the council.

The Promoters.

4. The Corporation shall be the promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof.

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The tramways authorised by this Order are—

Tramway No. 1 wholly situated in the township of Everton in the parish of Walton-on-the-Hill in the city of Liverpool commencing in Oakfield Road at the city boundary at a point 0·3 chain south of the south side of Thirlmere Road passing along and terminating in Oakfield Road at its junction with the south side of Walton Breck Road:

Tramway No. 1 shall be laid as a double line throughout except between the points herein-after specified where it shall be laid as a single line (that is to say):—

In Oakfield Road from its commencement to a point 1·1 chains northwards:

The total length of Tramway No. 1 will be two furlongs 2·3 chains.

The total length of the double portion will be two furlongs 1·2 chains:

The total length of the single portion will be 1·1 chains:

Tramway No. 2 wholly situated in the township of Everton in the parish of Walton-on-the-Hill in the city of Liverpool commencing in Robson Street at the termination of the existing tramway passing along Robson Street and Sleepers Hill and terminating in Sleepers Hill at the city boundary.

Tramway No. 2 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line (that is to say):—

In Robson Street and Sleepers Hill from its commencement to a point 0·5 chain north of the north side of Walton Breck Road:

In Sleepers Hill (north end) between a point 0·2 chain north of the north side of Norgate Street and the city boundary in Anfield Road.

The total length of Tramway No. 2 will be one furlong 4·0 chains:

The total length of the double portion will be 6·9 chains:

The total length of the single portion will be 7·1 chains.

Motive power.

6. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during such period not exceeding seven years from the passing of the Act confirming this Order as the Promoters by writing under the hand of the town clerk of Liverpool may specify and with the consent of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or assistant secretary of the said Board by steam or electric power or by any mechanical power including haulage by means of wire ropes or cables placed underground and worked by stationary engine power.

Provided always that the exercise of the powers hereby conferred with respect to the use of steam electric or any mechanical power shall be subject to the regulations set forth in Schedule A. to the Order of 1883 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered

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to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam electric or mechanical power on the tramways:

Provided also that the lessees under any lease made by the Promoters shall not use steam electric or any mechanical power on the tramways or any part thereof unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions as they may in each case think fit.

Restriction on use of electric power.

7. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

(1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:

(3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric

power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order:

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

(7.) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any tramways of the Promoters.

Power to lay down cable system for motive power.

8. The Promoters or with the consent in writing of the Promoters their lessees or any company or person may from time to time lay make and maintain pipes and excavations under the tramways or any part thereof in order to lay use and maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on the tramways or any of them and the Promoters may obtain and use wire ropes cables or other material and all machinery

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necessary for such motive power And the Promoters and their lessees and all companies and persons using the tramways may from time to time agree as to the rent or sum of money to be paid in respect of the user of such motive power.

Extending to this Order certain provisions of Order of 1883.

9. The following provisions of the Order of 1883 (that is to say) sections eight to fifteen both inclusive sections seventeen to thirty-nine both inclusive and sections forty-seven and forty-eight and the Schedules A and B to the said Order annexed shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1883 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order the expression "mechanical power" shall be construed to include electric power and section thirty-eight of the Order of 1883 shall be construed as though the Arbitration Act 1889 were therein referred to in lieu of the Common Law Procedure Act 1854.

Extending section 33 and First Schedule of Liverpool Tramways Act 1882.

10. The provisions of section thirty-three of the Liverpool Tramways Act 1882 and of the schedule therein referred to shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the rates of fares in respect of the traffic thereon in the like manner in every respect as if the tramways by this Order authorised formed part of the tramways by the said Act authorised.

Promoters to grant lease to the Liverpool United Tramways and Omnibus Company.

11. So soon as the tramways shall have been completed and certified by the Board of Trade to be fit for public traffic the Corporation shall grant and the Liverpool United Tramways and Omnibus Company shall accept a lease thereof at a rent equal to ten per centum per annum on the cost of the construction of such tramways which cost shall for the purpose of estimating such rent be deemed to be three thousand three hundred and seventy-seven pounds in respect of Tramway No. 1 and one thousand six hundred and seventy pounds in respect of Tramway No. 2 The said lease shall be for a term to expire on the first day of January one thousand nine hundred and five and shall so far as the same are applicable contain the same covenants and conditions as those contained in the leases under which the said Company now hold the existing tramways from the Corporation Provided that there shall be no obligation upon the said Company to accept a lease of Tramway No. 2 until a Provisional Order shall have been confirmed by Parliament or an Act shall have been passed authorising the construction by the said Company of a tramway in Spellow Lane Walton Road and Anfield Road communicating with the said Tramway No. 2.

Borrowing powers.

12. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole five thousand one hundred pounds and the time for which such sum may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in an

mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Power to issue stock.

13. For the purpose of raising the moneys authorised to be borrowed for the purposes of this Order the Corporation may from time to time create and issue Liverpool Corporation Stock to an amount not exceeding in the whole five thousand one hundred pounds in nominal amount under the Liverpool Corporation Loans Act 1880 and the Liverpool Corporation Act 1893.

Audit of accounts.

14. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

For protection of the Postmaster-General.

15. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any

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telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) In this section the expression "the Promoters" includes their lessees or any company or person working the tramways and the expression "the tramways" includes any authorised tramways of the Promoters.

Tramways Orders Confirmation (No. 1).

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Corporation Tramways, Liverpool and Walton-on-the-Hill Tramways, and Liverpool Corporation Tramways (Extensions).

(*Brought from the Lords 5 July* 1894.)

Ordered, by The House of Commons, *to be Printed, 5 July* 1894.

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[Bill 306.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Croydon Corporation Tramways, Croydon Tramways (Extensions), and South Staffordshire Tramways. A.D. 1894.

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 1894.

Confirmation of Orders in schedule.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act.

Protection of houses of labouring classes.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, purchase

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or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

Croydon Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Croydon to construct Tramways in the said County Borough.

Croydon Tramways (Extensions).—Order authorising the construction of Tramways in the Borough of Croydon in the County of Surrey and for other purposes.

South Staffordshire Tramways.—Order authorising the construction of Tramways in the Borough of West Bromwich and the Parish of Handsworth both in the County of Stafford and for other purposes.

CROYDON CORPORATION TRAMWAYS.

A.D. 1894.

Croydon.

Order authorising the Mayor Aldermen and Burgesses of the County Borough of Croydon to construct Tramways in the said County Borough.

Short title.

1. This Order may be cited as the Croydon Corporation Tramways Order 1894.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order :—

The expression "the Act of 1883" shall mean the Croydon and Norwood Tramways Act 1883 ;

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised ;

The expression "the Corporation" shall mean the mayor aldermen and burgesses of the county borough of Croydon in the county of Surrey acting by the council ; and

The expression "the borough" shall mean the said county borough of Croydon.

The Promoters.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than one acre of land in addition to the lands which they were authorised to hold prior to the date of this Order but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order, and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates channels junctions turntables turnouts crossings passing places offices stables carriage engine boiler and dynamo houses waiting rooms sheds buildings works carriages harness tramway

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plant appliances machinery and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be situate wholly within the borough and the parish of Croydon and are the following :—

Tramway No. 1 (1 furlong 3 chains or thereabouts in length) commencing in High Street Croydon by a junction one chain south of the point of junction of High Street aforesaid and Mint Walk with the Tramways constructed under the powers of the Croydon Tramways Act 1878 in High Street aforesaid thence proceeding in a northerly direction along High Street aforesaid and terminating in North End Croydon by a junction with the tramways constructed under the powers of the Croydon Tramways Act 1878 in that street 0·10 chains north of the point of junction of High Street aforesaid and Church Street Croydon ;

Tramway No. 2 (1 chain or thereabouts in length) commencing in High Street aforesaid by a junction with Tramway No. 1 at a point 1·25 chains south of the point of junction of Church Street aforesaid and North End thence proceeding in a north-easterly direction and terminating in George Street by a junction with the tramways constructed under the powers of the Croydon Tramways Act 1878 in that street at a point 0·60 chains east of the point of junction of High Street aforesaid and George Street aforesaid ;

The tramways shall be laid as single lines except between the following points where they shall be laid as double lines (that is to say) :—Tramway No. 1 In High Street aforesaid between the point of junction with the existing tramways aforesaid and a point 2·30 chains south of the point of junction of High Street aforesaid and Katharine Street Croydon In High Street between points respectively 2·70 chains south and 0·20 chains south of the point of junction of High Street aforesaid and Park Street Croydon :

Provided always that the tramways shall not be constructed until the High Street aforesaid has been widened under the powers of and in accordance with the Croydon Improvement Act 1890.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet eight inches and a half.

Further provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

As to rails of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve.

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Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Inspection by Board of Trade.

11. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive power.

12. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any Order to be signed by a secretary or assistant secretary of the said Board by electric power steam power or any mechanical power including haulage by means of wire ropes or other appliances placed underground :

Provided always that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the schedule to the Act of 1883 and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the tramways.

Provided also that the lessees under any lease made by the Promoters shall not use any power other than animal power on the tramways or any part thereof unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions as they may think fit.

Restrictions on use of electric power.

13. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

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(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance ;

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances ;

(3) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order:

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other

means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes ;

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any tramways of the Promoters.

Extending to this Order certain provisions of the Act of 1883.

14. The following provisions of the Act of 1883 (that is to say—

Sections 51 to 56 and 59 to 65 (all inclusive) and the schedule to the said Act annexed shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Act of 1883 and for the purpose of such application the expressions "the tramways" or "the authorised tramways" in the said provisions shall be construed to include the tramways as defined by this Order the expression "mechanical power" to include electric or any mechanical power including haulage by means of wire ropes or other appliances placed underground and the expressions "the Company" and "this Act" to mean the lessees of the Promoters and this Order respectively.

Promoters may in certain cases work tramways.

15. If the Promoters are unable to demise the tramways or any of them upon such terms as in the opinion of the Board of Trade will yield to the Promoters an adequate rent therefor the Board of Trade may grant a licence to the Promoters to work such tramways and the Promoters may thereupon work the same and may provide such horses carriages cars engines fixed and moveable plant harness materials and things (all of which are hereinafter included in the word "plant") and may employ such persons as may be requisite or convenient

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for working such tramways and in such case all enactments relating to the working of such tramways and the taking of tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the Promoters.

Provided that if at any time during such working by the Promoters any company make to the Promoters a tender in writing to take a lease of and to work the tramways worked by the Promoters for such period (not being less than seven years unless the Promoters otherwise agree) at such rent and upon such terms as shall in the opinion of the Board of Trade be adequate and proper and such company at the same time offer to purchase the plant of the Promoters not included in such lease at a price to be fixed (unless otherwise agreed on between such company and the Promoters) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Promoters shall demise the said tramways to such company at such rent and upon such terms and conditions as aforesaid and the powers of the Promoters to work the said tramways shall during the continuance of such lease cease and determine.

Corporation may borrow 1,750*l.* to be repaid in thirty years.

16. The corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Croydon Corporation Act 1884 borrow for the purposes of this Order (in addition to any sum or sums of money they are already authorised to borrow) any sum or sums of money not exceeding in the whole one thousand seven hundred and fifty pounds and such further sum or sums as the Board of Trade may from time to time sanction by Order in writing and the time for which such sum or sums not exceeding one thousand seven hundred and fifty pounds may be borrowed shall be thirty years and for the purpose of such borrowing the corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Certain provisions of the Public Health Act 1875 incorporated.

17. The following sections of the Public Health Act 1875 (that is to say) :—

Section 246 (audit where urban authority are a town council) ;

Section 250 (auditor to audit accounts of officers) ;

Section 264 (notice of action against local authority &c.) ; and

Section 265 (protection of local authority and their officers from personal liability) ;

are hereby incorporated with this Order and in construing those sections for the purposes of this Order the expression "this Act" where used in those sections shall mean this Order.

Provisions as to arbitration.

18. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of

such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

19. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing and if given by the Promoters shall be signed by the town clerk and if given by any company or by any local authority or any road authority by their secretary or clerk:

(2) Any notice to be delivered by or to the Promoters to or by any body or company may be delivered by being left at the principal office of such body or company or at the said town clerk's office as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to the town clerk at his office.

For protection of the Postmaster-General.

20. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3) (*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

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(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11) In this section the expression "the Promoters" includes their lessees and licensees or any company or person owning working or running carriages over the tramways.

Provision as to general Tramway Acts.

21. Nothing in this Order contained shall exempt the Promoters lessees or any company or person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the Act of 1883 and this Order.

CROYDON TRAMWAYS (EXTENSIONS).

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Order authorising the Construction of Tramways in the Borough of Croydon in the County of Surrey and for other purposes.

Short title.

1. This Order may be cited as the Croydon Tramways (Extensions) Order 1894.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Companies Clauses Consolidation Act 1845 of Parts I. and II. (relating respectively to cancellation and surrender of shares and additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order and for the purposes of such incorporation the term "Special Act" in the said provisions shall mean this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings:

Provided that in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the authorised tramways" shall mean the tramways and works authorised by the Croydon Tramways Act 1878 the Croydon Street Tramways (Extensions) Order 1880 the Norwood District Tramways Act 1882 and the Croydon and Norwood Tramways Act 1883;

The expression "the Act of 1882" shall mean the Norwood District Tramways Act 1882;

The expression "the Act of 1883" shall mean the Croydon and Norwood Tramways Act 1883;

The expression "the Act of 1889" shall mean the Croydon Tramways Act 1889;

The expression "mechanical power" or "mechanical appliances" shall include the tubes posts passages grooves wires ropes chains cables engines brake-power fittings and all other appliances or things which shall form part of or be required for or be used in connexion with the cable steam electric mechanical or other power authorised to be used on the tramways;

The expression "the corporation" shall mean the mayor aldermen and burgesses of the county borough of Croydon acting by the council of the said borough;

The expression "superior court" or "court of competent jurisdiction" or any other like expression in this Order or any Act wholly or partly incorporated with this Order shall have effect as if the debt or demand in respect to which the expression is used were a simple contract debt and not a debt or demand created by statute; and

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The expression "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Promoters be construed to include the contingency of the Undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Promoters.

Promoters.

The Promoters.

4. The Croydon Tramways Company incorporated by the Act of 1889 shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands.

Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land But nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails sleepers points plates offices weigh-bridges turntables cross-overs engine-sheds stables carriage-houses warehouses works mechanical appliances and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 1 mile 3 furlongs 4·60 chains in length, of which 1 mile 8·60 chains are single line and 2 furlongs 6·00 chains double line commencing in the London Road Thornton Heath in the borough and parish of Croydon by a junction with the existing tramway therein at its termination near Brigstock Road passing thence along the London Road and terminating at the northern boundary of the said borough and parish at Hermitage Bridge.

This tramway shall be laid as a single line throughout except in the following cases where it shall be laid as a double line :—

In the London Road—

(*a*) For a distance of 44 yards or thereabouts from the commencement of the tramway ;

(*b*) For a distance of 66 yards or thereabouts northward from Silchester Lodge

(*c*) For a distance of 66 yards or thereabouts southward from Winterborne Road ;

(*d*) Between points respectively 44 yards or thereabouts and 110 yards, or thereabouts northward from Warwick Road ;

(*e*) Between points respectively 130 yards or thereabouts and 64 yards or thereabouts southward from Pollards Hill North ;

(*f*) For a distance of 66 yards or thereabouts northward from the southern side of the house known as Greenholme ;

(*g*) Between points respectively 72 yards or thereabouts and 6 yards or thereabouts southward from St. Helen's Road ;

(*h*) Between points respectively 142 yards or thereabouts and 76 yards or thereabouts southward from the centre of the bridge carrying the London Brighton and South Coast Railway over the London Road at Norbury Station ;

(*i*) Between points respectively 73 yards or thereabouts and 7 yards or thereabouts from the termination of the tramway ;

Tramway No. 4 4 chains in length of which 3 chains are double line and 1 chain single line wholly in Selhurst Road in the borough and parish of Croydon commencing and terminating by junctions with the existing tramway therein at points respectively 44 yards or thereabouts south-westward and 44 yards or thereabouts north-eastward from the centre of Clifton Road and to be laid in substitution for a portion of the existing tramway ;

This tramway shall be laid as a double line throughout except for distances respectively of 11 yards or thereabouts from its commencement and 11 yards or thereabouts from its termination where it shall be laid as a single line.

For the protection of the corporation.

7. For the protection of the corporation the following provisions shall apply and have effect that is to say :—

(1) The positions and levels of the rails shall be defined and settled by the corporation and no rails shall be laid along or upon any road in any other position or level than such as shall have been approved of in writing by the corporation that approval to be authenticated by the signature of the town clerk of the said borough to a plan showing the intended position and level of the rails ;

(2) The whole space between the rails and for a distance of 18 inches beyond each external rail and the whole space between the two lines where the tramway is double provided such lines are not required by the corporation to be laid more than 4 feet apart shall be paved by the Promoters to the satisfaction of the corporation with best Aberdeen 4-inch by 6-inch hammer-dressed granite setts except next the rails where the setts shall be 4-inch by 5-inch properly bonded laid on a foundation of good Portland cement concrete 6 inches in thickness compounded of clean washed gravel or macadam and Portland cement in the proportion of five parts of gravel or macadam to one of cement The whole of the said setts shall be well rammed and grouted with Portland cement and clean sharp sand in equal proportions ;

The corporation and the Promoters may by agreement make any variations in the works to be done under this sub-section or in the mode of executing the same ;

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(3) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of the corporation may be applied by the Promoters so far as may be necessary in or towards constructing the tramway or reinstating the road the Promoters shall deliver the surplus paving metalling or material not used or required to be retained for the purpose aforesaid to the road surveyor for the time being of the corporation or to such person and at such place as he may appoint not exceeding one mile from the place where the same may have been excavated;

(4) In the construction of the tramways the Promoters shall not open or break up any road in the borough except in accordance with the following provisions namely:—

(*a*) The Promoters shall seven days before so doing give to the said road surveyor at his office notice in writing of their intention so to do specifying the road intended to be opened or broken up.

(*b*) The Promoters shall attend to the directions of the said road surveyor with a view to secure a free passage in the road and to prevent needless obstruction thereto.

(*c*) The Promoters shall not open or break up at any one time more of any such road which exceeds 100 yards in length than the said road surveyor shall in writing authorise.

(*d*) When the Promoters open or break up any such road they shall, as soon as the works affecting it are completed and at the latest within four weeks from the day on which the works were begun restore the road under the superintendence and to the satisfaction of the said road surveyor to as good a condition as it was when it was opened or broken up.

(*e*) The Promoters shall save harmless and keep indemnified the corporation against any expenses consequent on any such work.

(*f*) If the Promoters fail to comply with any of the requirements of paragraphs (*b*) (*c*) (*d*) or (*e*) of this sub-section they shall be liable to a penalty not exceeding twenty pounds for every such failure and also to a further penalty not exceeding five pounds for every day after the first during which the Promoters fail to comply with the directions of the said road surveyor and the corporation may if they think fit restore the road opened or broken up and recover in a court of summary jurisdiction the expense of the restoration and also any penalties so incurred by the Promoters.

(5) A decision of the corporation under this section or under sections 8 or 15 of this Order shall not be deemed to be a matter of difference between the Promoters and the corporation within the meaning of section 33 of the Tramways Act, 1870.

Power to lay certain lines in place of others.

8. The Promoters in any road in which they may have laid down or are authorised to lay down a single line of tramway may with the consent in writing of the Board of Trade and of the corporation in lieu thereof lay down a double line or an interlacing line of tramway and in any road in which they may have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consents in lieu thereof lay down a single line of tramway and in any road in which they may have laid down or are

authorised to lay down a double line of tramway they may with the like consents in lieu thereof lay down an interlacing line of tramway and vice versâ Provided nevertheless that in the construction of any such works no rail shall except with the like consent of the Board of Trade and of the corporation be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is so proposed to be laid by notice in writing under his hand addressed to the Promoters or to the Board of Trade express his objection thereto.

Agreements between Promoters and road authorities.

9. The Promoters may from time to time subject to the provisions of this Order enter into and carry into effect agreements with any road authority with respect to the construction maintenance removal renewal repair and using of the tramways and the authorised tramways or any of them situated within the district of such road authority and the rails plates sleepers posts wires apparatus and works connected therewith and the facilitating of the traffic over the same.

Extending to this Order certain sections of the Act of 1883.

10. Save as by this Order otherwise expressly provided the provisions of sections 32 33 37 39 42 to 45 (both inclusive) 47 48 and 66 of the Act of 1883 shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised and for the purposes of such application the expressions "the tramways" "the undertaking" "the company" and "this Act" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order the Promoters and this Order.

Motive Power.

Carriages may be moved by animal electric cable or any mechanical power.

11. The carriages used upon the tramways and (subject to the provisions of section 50 of the Act of 1883) upon the authorised tramways respectively may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during periods not exceeding seven years from the times specified in such consent respectively and with the like consent during such further periods not exceeding seven years respectively as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by means of steam electric cable or any mechanical power.

Provided always that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the schedule to the Act of 1883 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the tramways.

Extending provisions of Act of 1883 as to mechanical power.

12. The provisions of sections 51 to 58 (with respect to the use of steam or any mechanical power) of the Act of 1883, and of the schedule to the said Act annexed shall so far as applicable extend and apply to the tramways by this Order authorised and for the purposes of such application the expressions "the

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company" and "this Act" in the said provisions shall be construed to mean respectively the Promoters and this Order the expression "the authorised tramways" shall be construed to include the tramways by this Order authorised and the expression "mechanical power" shall be construed to include electric cable or any mechanical power.

Restrictions on use of electric power.

13. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:

(3) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other

works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any tramways of the Promoters.

For protection of the Postmaster-General.

14. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constucted their electric line or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by

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the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed

by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) In this section the expression "the tramways" shall include the authorised tramways.

Power to place posts wires &c.

15. Subject to the provisions of this Order and to the consent and approval of the corporation and of the Board of Trade the Promoters may place and maintain on any road in which any of the tramways or of the authorised tramways are or may be laid down such posts and overhead electric wires as may be necessary and proper for working such tramways or any of them by electric power.

Traffic and Tolls.

Extending provisions of Act of 1883 as to traffic and tolls.

16. The tramways by this Order authorised shall save as by this Order expressly provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the authorised tramways and the provisions of sections fifty-nine to sixty-five (both inclusive) of the Act of 1883 shall so far as applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part of the authorised tramways and for the purposes of such application the expressions "the company" and "this Act" in the said provisions shall be construed to mean the Promoters and this Order.

Provided always that section fifty-nine of the Act of 1883 shall for the purpose of computing tolls and charges in respect both of the tramways and the authorised tramways be construed as though the word "twopence" were therein inserted in lieu of the word "threepence."

Power to grant running powers.

17. Subject to the provisions of this Order the Promoters may with the consent in writing of the Board of Trade grant to any company or person power to run over and use the tramways and the authorised tramways or any part or parts thereof with carriages horses cable electrical mechanical and other motive power for the purposes of traffic of every description and may enter into agreements with such company or person for or in relation to the granting or exercise by such company or person of such running powers and such company or person may exercise and use such running powers accordingly and shall at all times observe the regulations and byelaws for the time being in force on the tramways so run over so far as the same may be applicable The terms and conditions upon which such running powers may be exercised under this section shall be such as may from time to time be agreed upon between the Promoters and such company or person and the Board of Trade may approve or as failing agreement may from time to time be determined by an arbitrator to be nominated by the Board of Trade in manner provided by section 33 of the Tramways Act 1870.

Power to agree for interchange &c. of traffic.

18. Subject to the provisions of this Order the Promoters may with the consent in writing of the Board of Trade from time to time enter into and carry into

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effect contracts or arrangements with any company corporation or person for the following purposes or any of them that is to say :—For the interchange accommodation conveyance and delivery of traffic coming from or destined for the tramways for the time being of the Promoters and the tramways of the other party and the fixing and division between the parties of the receipts arising therefrom and generally all matters incident to or consequent on the making or carrying into effect of any such contract or arrangement as aforesaid.

Promoters may accept leases of tramways within the borough.

19. In the event of any tramways being hereafter constructed or acquired by the corporation within the borough of Croydon the Promoters may with the consent of the Board of Trade from time to time accept any lease of such tramways or any part thereof which the corporation may think fit to grant to them subject in all respects to the provisions of section nineteen of the Tramways Act 1870.

Additional Capital.

Promoters may raise additional capital.

20. The Promoters may for the purposes of this Order and for the general purposes of their undertaking being in every case purposes to which capital is properly applicable from time to time subject to the provisions of Part II. of the Companies' Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole sixteen thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Promoters Provided that the Promoters shall not issue any share created under the authority of this Order of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

21. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of incapacitated persons.

22. If any money is payable to a shareholder or stockholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Promoters.

Restrictions as to votes in respect of preferential shares or stock.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow on mortgage.

24. The Promoters may from time to time borrow on mortgage of their undertaking any further sum or sums not exceeding in the whole four thousand pounds in respect of the additional capital of sixteen thousand pounds by this Order authorised to be raised and the Promoters may in respect of every two thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up borrow a sum or sums not exceeding in the whole five hundred pounds but in no case shall any part of any of such sums of five hundred pounds be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion is paid up and the Promoters have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies

that shares or stock for the whole of such portion of additional capital have or has been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Promoters have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Promoters and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

25. The mortgagees of the Promoters under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds.

Existing mortgages to have priority.

26. All mortgages granted by the Promoters in pursuance of powers vested in them before the passing of the Act confirming this Order and subsisting at the date of the said Act shall during the continuance thereof have priority over all mortgages granted by virtue of this Order.

Promoters not to create debenture stock.

27. The Promoters shall not create debenture stock.

Application of capital.

28. The moneys to be raised by shares or stock or by mortgage under the powers conferred by this Order shall be applied for the purposes of this Order and also for the general purposes of the undertaking of the Promoters to which capital is properly applicable and not otherwise.

Mortgages to comprise purchase money paid on compulsory sale.

29. Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage Any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act 1870 and every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Miscellaneous.

Removal of certain existing tramways for purpose of constructing Tramway No. 4.

30. The Promoters may for the purpose of constructing the Tramway No. 4 in substitution for a portion of the existing tramways authorised by the Act of 1882 take up and remove so much of the existing tramway in Selhurst Road as may be required and the Promoters shall forthwith after the completion of Tramway No. 4 take up the double line of tramway in Selhurst Road aforesaid nearly opposite the site of Holy Innocents' Church and relay the same as a single line. Upon the said portion of existing tramway being taken up and

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removed by the Promoters under the provisions of this Order all rights powers authorities obligations and liabilities under the provisions of the Act of 1882 with respect to the said portion of existing tramway so taken up and removed and the construction and maintenance thereof and the traffic thereon and other matters relating to the same shall absolutely cease and determine and Tramway No. 4 shall for all purposes and notwithstanding anything in the Act of 1882 contained be deemed to be a tramway originally authorised by this Order and the provisions of the Act of 1882 shall apply and have effect with regard to such or such parts only (if any) of the tramways authorised by the Act of 1882 as shall not be so taken up and removed in all respects as if the said portion of tramway so taken up and removed had not formed part of the tramways by the Act of 1882 authorised.

Provisions as to arbitration.

31. Where under the provisions of the Tramways Act 1870 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Approval of Board of Trade to sale.

32. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing Provided that nothing in this Order or in the Tramways Act 1870 contained shall make the consent or approval of the Board of Trade necessary to the validity or effect of any mortgage granted by the Promoters under the authority of this Order or of the Act of 1889.

Interest not to be paid on calls paid up.

33. No interest or dividend shall be paid out of any share or loan capital which the Promoters are by this Order authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Promoters from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills or Orders not to be paid out of capital.

34. The Promoters shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament or by any rule made by the Board of Trade under the Tramways Act 1870 now or hereafter in force may be required to be deposited in respect of any application to Parliament or to the Board of Trade for the purpose of obtaining an Act or provisional order authorising the Promoters to construct any other tramway or to execute any other work or undertaking.

Saving for general Acts.

35. Nothing in this Order contained shall exempt the Promoters or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

SOUTH STAFFORDSHIRE TRAMWAYS.

A.D. 1894.

South Staffordshire.

Order authorising the construction of Tramways in the Borough of West Bromwich and the Parish of Handsworth both in the County of Stafford and for other purposes.

Short title.

1. This Order may be cited as the South Staffordshire Tramways Order 1894.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Order of 1881" shall mean the Wednesbury and West Bromwich Tramways Order 1881;

The expression "the Order of 1882" shall mean the Birmingham and Suburban Tramways Order 1882;

The expression "the Order of 1886" shall mean the Birmingham Central Tramways (Extension) Order 1886;

The expression "the Act of 1889" shall mean the South Staffordshire Tramways Act 1889;

The expression "the Promoters' authorised tramways" shall mean the tramways and works authorised by the several Orders set forth in section 6 of the Act of 1889 save so far as any such tramways and works or parts thereof have been abandoned;

The expression "mechanical power" or "mechanical appliances" shall include the tubes posts passages grooves wires ropes chains cables engines brake-power fittings and all other appliances or things which shall form part of or be required for or be used in connection with the cable electric mechanical or other power authorised to be used on the tramways; and

The expression "contingences" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Promoters be construed to include the contingency of the undertaking being sold to a local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Promoters.

Promoters.

The Promoters.

4. The South Staffordshire Tramways Company incorporated by the Act of 1889 shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

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Lands.

South Staffordshire. Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices waiting rooms weigh-bridges turn-tables cross-overs engine-sheds stables carriage-houses warehouses works mechanical appliances and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are:—

Tramway No. 1.—Two miles five furlongs and 2·65 chains in length commencing in Carter's Green in the borough of West Bromwich in the county of Stafford by a junction with the existing tramways of the Promoters at a point 3·71 chains or thereabouts southward from the lamp post in the middle of Carter's Green passing thence in a south-easterly and easterly direction into and along High Street Birmingham Road and Holyhead Road and terminating in the last mentioned road in the parish of Handsworth in the said county by a junction with the existing tramways of the Birmingham Central Tramways Company Limited at a point 0·79 chain or thereabouts eastward from the intersection of the centre lines of Station Road and Holyhead Road.

Tramway No. 1 shall be laid as a double line of tramway for its whole length in substitution for a portion of the existing tramway.

Tramway No. 2.—0·75 chain in length wholly situate in Carter's Green in the borough of West Bromwich commencing by a junction with the north-eastern line and terminating by a junction with the south-western line of tramway No. 1 at points respectively 1·50 chains and 2·25 chains or thereabouts from the commencement thereof.

Tramway No. 2 shall be laid as a single line of tramway for its whole length in substitution for a portion of the existing tramway.

Tramway No. 3.—0·91 chain in length wholly situate in Holyhead Road in the parish of Handsworth commencing at the centre of the gateway into the Promoters' Depôt in Holyhead Road and terminating by a junction with the south-western line of Tramway No. 1 at a point 0·70 chain or thereabouts north-westward from a point in the centre of Holyhead Road opposite the centre of the gateway into the above-named depôt.

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Tramway No. 3 shall be laid as a single line of tramway for its whole length in substitution for a portion of the existing tramway.

Tramway No. 4.—1·24 chains in length wholly situate in Holyhead Road in the parish of Handsworth commencing at the centre of the gateway into the Promoters' depôt in Holyhead Road and terminating by a junction with the north-eastern line of Tramway No. 1 at a point 0·97 chain or thereabouts south eastward from a point in the centre of Holyhead Road opposite the centre of the gateway into the above-named depôt.

Tramway No. 4 shall be laid as a single line of tramway for its whole length in substitution for a portion of the existing tramway.

Tramway No. 5.—0·75 chain in length wholly situate in Holyhead Road in the parish of Handsworth commencing by a junction with the south-western line and terminating by a junction with the north-eastern line of Tramway No. 1 at points respectively 1·50 chains and 2·25 chains or thereabouts south-eastward from a point in the centre of Holyhead Road opposite the centre of the gateway into the Promoters' depôt in Holyhead Road.

Tramway No. 5 shall be laid as a single line of tramway for its whole length in substitution for a portion of the existing tramway.

Tramway No. 6.—0·75 chain in length wholly situate in Holyhead Road in the parish of Handsworth commencing by a junction with the north-eastern line and terminating by a junction with the south-western line of Tramway No. 1 at points respectively 2·25 chains and 1·50 chains or thereabouts from the termination thereof.

Tramway No. 6 shall be laid as a single line of tramway for its whole length in substitution for a portion of the existing tramway.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of three feet six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramway but no carriage or engine used on the tramways shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Power to substitute double for single lines, &c.

8. The Promoters in any road in which they may have laid down or are authorised to lay down a single line of tramway may with the consent in writing of the Board of Trade and of the road authority in lieu thereof lay down a double line or an interlacing line of tramway and in any road in which they may have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consents in lieu thereof lay down a single line of tramway and in any road in which they may have laid down or are authorised to lay down a double line of tramway they may with the like consents in lieu thereof lay down an interlacing line of tramway and vice versâ Provided nevertheless that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is so proposed to be laid by notice in writing under his hand addressed to the

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Promoters or to the Board of Trade express his objection thereto Provided further that nothing in this section shall apply to the district of the Handsworth Local Board.

Extending to this Order certain provisions of the Order of 1881.

9. Save as by this Order otherwise expressly provided the following provisions of the Order of 1881 (with respect to construction of tramways) that is to say sections 7 to 13 (both inclusive) sections 16 17 19 and 24 to 36 (both inclusive) and sections 38 and 39 shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised, and for the purposes of such application the expressions "the tramways" "the undertaking" "the Promoters" and "this Order" in the said provisions shall mean respectively the tramways and the undertaking as defined respectively by this Order the Promoters of this Order and this Order.

For the protection of the Corporation of West Bromwich and the Handsworth Local Board.

10. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of West Bromwich and the local board for the Handsworth urban sanitary district respectively (each of which authorities is in this section so far as regards the tramways within the district of such authority included in the term "local authority") shall (in addition to any other provisions for the protection of local authorities contained in this Order) apply and have effect with respect to the tramways:—

(Works to be underground.)

(1) The Promoters shall not in any street or road without the consent in writing of the local authority construct erect or maintain any posts wires tubes cables or electrical or mechanical or other apparatus above the level of the surface of the road.

(Distance between centre of double lines.)

(2) All double lines of tramways shall be so laid as to have a space of seven feet six inches between the centre lines of such tramways if the local authority shall so require.

(Extending to this Order certain provisions of the Orders of 1882 and 1886.)

(3) Save as in this Order otherwise expressly provided and so far as the same are not inconsistent with the provisions of this Order the provisions contained in sections 19 23 24 29 32 81 89 and 95 of the Order of 1882 and in section 24 sub-section (*m*) and section 38 of the Order of 1886 shall mutatis mutandis and so far as applicable extend and apply to the tramways by this Order authorised as if such tramways formed part of the tramways authorised by the Order of 1882 and the Order of 1886 respectively.

(Mode of laying tramways to be approved by the local authority.)

(4) Subject to the provisions of this Order the size and construction of all engines cables and carriages to be used on the tramways and the wheels and brakes attached thereto and of all mechanical appliances and things appurtenant to the engines cables and carriages and the mode of laying down the tramways and the forms of the rails sleepers fastenings and grooves (if any) shall be such as the local authority shall require and the Board of Trade may approve but so that the form of the rails sleepers fastenings and grooves shall be the same throughout the whole length of the tramways.

Provided always that the requirements under this section with respect to the carriages to be used upon the tramways shall be deemed to be satisfied by

the use of carriages the same or similar to those for the time being authorised to be used by the Birmingham Central Tramways Company Limited upon their cable tramways in the district of Handsworth.

(Provisions as to construction of tramways.)

(5) In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the local authority of their intention [to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the local authority and the Board of Trade plans sections and specifications showing such tramways and the proposed mode of constructing laying down maintaining and renewing the same and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plans sections specifications and statement have been approved by the local authority and the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plans sections specifications and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the local authority as provided by section twenty-six of the said Act.

(As to specification of works.)

(6) The specification of the works to be done under this Order exclusive of the maintenance of the portion of roadway repairable by the Promoters which was prepared and signed on the 18th April 1893 on behalf of the Promoters by their engineer and on behalf of the local authority by their surveyor shall be deemed to satisfy the requirements of this section and this Order shall be read accordingly and any difference between the Promoters and the local authority touching the matters falling within this section other than those determined and provided for by the said specification shall be determined by the Board of Trade.

(Portions of road to be paved by Promoters.)

(7) Section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadway of any road whereon any of the tramways are laid shall extend and apply to so much of any road in the borough of West Bromwich as extends two feet three inches and in the district of Handsworth as extends two feet one inch beyond the rails of and on each side of any such tramway.

(Paving and materials of roads.)

(8) So much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 or this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the local authority shall reasonably require and the local authority may prescribe a particular material for paving any specified road or part of a road and a different material for paving any other road or part of a road.

(Cost of reinstating roads.)

(9) The Promoters shall forthwith pay to the local authority the cost of the repair and reinstatement of such parts of the roads within their district as may be injured or damaged by reason of the traffic being diverted to or concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof or the same shall be a charge on the money which the Promoters are required to deposit before opening any road

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in such district or may be deducted from any money which may have been deposited by the Promoters with the local authority Provided however that such repairs and reinstatements may be executed by the Promoters under the superintendence and to the satisfaction of the surveyor of the local authority.

(Local authority may maintain &c. roads at cost of the Promoters.)

(10) In the event of the Promoters failing to commence the repair or maintenance of any road whereon any of the tramways are laid in accordance with the provisions of the Tramways Act 1870 or this Order for seven days after notice from the local authority requiring them so to do and thereafter failing to proceed diligently with the same the local authority may take upon themselves the repairing or maintaining of such portions of any road provided that they shall by notice in writing to the Promoters state when they intend to take upon themselves such repairing or maintaining and if the local authority give such notice they shall execute such repairs or maintenance from and after the time and for the period mentioned in that behalf in such notice The materials and means to be used in repairing or maintaining the road as aforesaid by the local authority shall (subject to the provisions of this Order) be in their discretion and the Promoters shall not interfere in any way in the repair or maintenance of such portions of any such road as in pursuance of such provisions as aforesaid the local authority is or may become liable to repair or maintain or be liable in any way for any neglect or default in or about such repairing or maintaining.

The Promoters shall pay to the local authority all expenses of and incidental to the repairing or maintaining of such portions of any road as may be repaired or maintained by the local authority (including expenses of supervision) and as but for this and the other provisions in this behalf the Promoters would have been under the Tramways Act 1870 and this Order bound to repair or maintain and where in any road a double line of rails is laid all such expenses of and incidental to the repairing or maintaining of the whole space between such double lines whether the distance between such double lines be more than four feet or not and the amount of such expenses to be paid from time to time by the Promoters under this sub-section shall be ascertained in such manner as may from time to time be agreed upon between the local authority and the Promoters or as failing such agreement in any case may be ascertained and certified from time to time by an engineer or surveyor appointed by the Board of Trade and the certificates and payments shall be so made in advance that the local authority shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for Provided always that in all cases in which a deposit is not made to cover the estimated cost of repairs in pursuance of the next succeeding sub-section the Promoters shall pay to the local authority interest at the rate of five pounds per centum per annum on all sums which may be expended by the local authority under this sub-section from the date or dates upon which such sums shall have been expended until the same shall be repaid by the Promoters.

(Deposit with local authority of estimated

(11) In order to secure the payments by the Promoters of the amounts to be paid by them to the local authority under the last preceding sub-section the

Promoters shall on or forthwith after the 25th day of March and the 25th day of September in each year deposit with the local authority the amount which the engineer or surveyor for the time being of the local authority may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the next ensuing half-year and the local authority shall be at liberty to apply the moneys so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such half-year and at the end of each half-year the amount (if any) not so applied or so much thereof as may not be required shall be carried forward as or towards the deposit for the next half-year and any excess shall be paid to the Promoters and if any sum be so carried forward as aforesaid the Promoters shall for such half-year only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid. (cost of repairs &c.)

(12) Section 24 sub-section (*h*) of the Order of 1886 shall extend and apply to the Tramways by this Order authorised save and except that in lieu of a sum calculated at the rate of 1000*l.* for every mile of tramway by such section required to be deposited the Promoters shall only be required to deposit a sum calculated at the rate of 1000*l.* for every route mile of tramway. (Deposit before breaking up roads.)

(13) The Promoters shall when required by the corporation of West Bromwich at their own expense connect the tramways of the Promoters with the tramways of the Birmingham and Western District Tramways Company Limited at the junction of High Street and St. Michael Street and High Street and Spon Lane in the borough of West Bromwich and in case the Promoters make default in so doing after one month's notice in writing from the corporation the corporation may make the connections and recover the expenses incurred by them in so doing from the Promoters. (Connections of Promoters' tramways with Birmingham and Western District tramways.)

(14) When any of the tramways are constructed or intended to be constructed over any manhole or entrance into any sewer of the local authority or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the local authority the Promoters shall if required by the local authority construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by the local authority provided that the local authority may at their option themselves at any time execute the works referred to in this sub-section and in section 29 of the Order of 1882 instead of the Promoters and on giving notice to the Promoters of their intention so to do construct such side entrance in accordance with the said plan so approved (if any) or failing that in accordance with some plan to be previously approved by the Promoters or in case of difference to be settled by the Board of Trade and the Promoters shall on demand pay to the local authority all reasonable costs incurred by the local authority in executing such works and incident thereto and of the preparation or approval of the plan and incident thereto and if the same shall not be paid on demand the amount due may be recovered with interest at the rate of five pounds per centum per annum by the local authority from the Promoters. (Side entrance to sewers.)

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(As to purchase of tramways by the local authority.)

(15) In addition to the powers of purchase conferred upon them by section 43 of the Tramways Act 1870 the local authority may exercise the said power at any time before the expiration of the period of twenty-one years in the said section mentioned if for two calendar months after notice from the local authority to the Promoters the Promoters or their lessees discontinue working the tramways (such discontinuance not being occasioned by circumstances beyond the control of the Promoters or their lessees for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control).

(Lights on carriages after sunset.)

(16) In case the Promoters between sunset and sunrise use on the tramways any carriage they shall be bound to fix and maintain one light at least in front of such carriage and one light at least at the rear of such carriage of such distinctive colours and of such illuminating power as may be reasonably prescribed by the local authority and shall light up the inside of the carriage as required by the local authority.

(Cleansing of tramways.)

(17) The local authority may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost and the Promoters shall in performing the same remove the snow or other matter to such place as the local authority may reasonably prescribe or approve not exceeding three-quarters of a mile from some part of the tramways The Promoters shall not deposit any snow or other matter (which they may remove as aforesaid) upon any road or street and shall not use salt or other unsuitable material for the thawing of the snow on any roads.

(Time for commencement and completion of works.)

(18) The works incident to the construction of the tramways shall be substantially commenced within six months of the date of this Order and the tramways shall be completed and opened for public traffic within eighteen months from the said date and no application shall be made or granted for any extension of time for the commencement or completion of the tramways without the consent of the local authority.

(Waiting rooms.)

(19) The Promoters shall provide and maintain such waiting rooms for passengers not exceeding three in number in the borough of West Bromwich and one in the district of Handsworth in such situations on the routes of the tramways and of such size and general construction as the local authority may require or approve.

(Tolls for passengers.)

(20) The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof including tolls and charges for the use of the tramways and carriages and for motive power and every other expense incidental to such conveyance tolls or charges not exceeding one penny per mile and for this purpose the fraction of a mile shall be deemed a mile.

(Power to fix penny stages.)

(21) The Promoters shall with the approval of the local authority appoint penny stages upon the tramways not exceeding one mile in distance or length and the Promoters may notwithstanding anything in any Provisional Order confirmed by Parliament or Act of Parliament demand and take for every passenger travelling upon such tramways including tolls or charges

for the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any toll or charge not exceeding one penny per stage and for this purpose the fraction of a stage shall be deemed a stage.

(Traffic near churches &c.)

(22) No engine carriage or other tramway vehicle shall be driven or run past any church chapel or other place of worship during the hours of divine service at a rate exceeding four miles per hour nor shall any engine carriage or vehicle stand on any tramway or siding opposite any church chapel or other place of worship during such hours and no siding turnout refuge or erection of any kind shall be placed or constructed by the Promoters opposite to any church chapel or other place of worship without the consent in writing of the local authority.

(Goods not to be carried without consent of local authority.)

(23) The tramways shall not be used for the carrying or transmission of animals goods minerals or parcels exceeding twenty-eight pounds in weight except such personal luggage as the Promoters may be willing to carry without the consent or license in writing of the local authority and the local authority is hereby empowered to give such consents or licenses upon and subject to such terms and conditions as they may think fit so that such consents or licences shall not operate for a longer period than five years.

(Tramways in West Bromwich and Handsworth respectively not to be used by any other local authority.)

(24) No corporation or local or road authority (other than the corporation of West Bromwich and the Handsworth Local Board respectively) or person shall use any of the tramways in the districts of West Bromwich and Handsworth respectively for any sanitary or other purpose without the consent in writing of the said corporation or the said local board respectively as the case may be.

(Improvements in motive power to be used.)

(25) The Promoters shall from time to time use on the tramways such improvements in the motive power as the Board of Trade on the application of the local authority shall require for securing the greater security and convenience of the public provided that the Promoters shall not under this sub-section be required until the expiration of twelve years from the time specified in the consent of the Board of Trade for the commencement of the use of cable power upon the tramways to use any new form of motive power.

(Cables &c. may be laid and used.)

(26) The Promoters may with the consent of the Board of Trade and subject to the provisions of this Order (and particularly to those for the protection of the local authority) lay down and construct and for a period of seven years from the time specified in the consent of the Board of Trade for the commencement of the use of cable power upon the tramways maintain such tubes wires ropes chains works and conveniences as may be requisite for enabling the tramways to be used by carriages moved by means of haulage by wires ropes cables or chains and fixed steam engines and thereafter with the like consent during such further periods not exceeding seven years as the said Board may specify in any Order to be signed by a secretary or assistant secretary of the said Board but the Promoters shall not after the expiration of the period of twelve years from the time so specified for the commencement of the use of cable power on the tramways use or maintain without the previous consent or license in writing of the local authority any

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rails wires tubes ropes chains appliances works or conveniences for the purpose of enabling any of the tramways to be used by carriages moved by means of haulage by wires ropes cables or chains and fixed steam engines or other machinery The local authority is hereby empowered to give such consents or licenses upon and subject to such terms and conditions as they may think fit not being inconsistent with the provisions of this Order and so that any such consent or license shall not operate for a longer period than five years.

The Board of Trade on the application of the local authority are hereby empowered by order in writing under the hand of their secretary or of one of their assistant secretaries to prohibit the further use of all or any of the rails tubes wires ropes cables chains appliances works and conveniences which may be laid or used for the purpose of moving the carriages on the tramways or any of them if they are of opinion that such rails tubes wires ropes cables chains appliances works or conveniences are defective or out of repair or are or may be a source of danger or annoyance to the public and immediately upon the receipt of a copy of such order the Promoters shall cease to use and shall remove from the roads upon which the tramways may be laid such rails tubes wires ropes cables chains appliances works or conveniences and in default of their so doing the local authority may remove the same in such manner as they may think fit at the expense and cost of the Promoters and the expenses and costs which may be incurred by the local authority in removing the same shall be paid to them by the Promoters within one month from the date on which the same may be demanded.

(No mechanical power except cable power to be used without consent of local authority.)

(27) The Promoters shall not use nor allow to be used electric or any mechanical power except cable power on the tramways without the consent or licence in writing of the local authority The local authority is hereby empowered to give such consent or license upon and subject to such terms and conditions as they may think fit not being inconsistent with the provisions of this Order and so that any such consent or license shall not operate for a longer period than seven years.

(Regulations &c. by local authority.)

(28) The powers of the local authority under the Tramways Act 1870 with respect to the making of regulations and byelaws and with respect to the repeal or alteration of such regulations and byelaws shall subject to the provisions of this Order extend and apply for the purpose of regulations and byelaws empowering them to cause to be removed from the tramways any engines cables mechanical appliances harness or other things which may be deemed by them or their duly appointed officer to be unfit for use.

(Running powers.)

(29) The running powers authorised by this Order or to be acquired by agreement or otherwise shall not be exercised except with the consent in writing of the Board of Trade and shall be subject to such terms and conditions as the Board of Trade may think fit.

(Notice of intended sale of undertaking to be given to local authority.)

(30) The Promoters shall prior to any sale of the Undertaking serve the local authority with one month's previous notice in writing of their intention to sell and the local authority shall have full power to be heard before the Board of Trade as to the expediency of such sale.

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(Provision in case of discontinuance.)

(31) Notwithstanding anything in the Tramways Act 1870 or in this Order contained if at any time after the opening of any of the tramways for traffic the working of such tramways shall be discontinued for the space of three calendar months after notice from the local authority requiring the Promoters to work the same (such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be deemed a circumstance beyond their control) the local authority may by resolution apply to the Board of Trade to declare that the powers of the Promoters in respect of the tramways within the district of the local authority shall be at an end and thereupon if the Board of Trade so declare by order in writing the said powers shall cease and determine and the local authority may remove such tramways or any part thereof and restore the roadway wherein such tramways are situate to the satisfaction of their surveyor and the local authority shall sell so much of the materials of such tramways as shall not be required by them for restoring such roadway and out of the proceeds of such sale shall pay and reimburse themselves the expenses incurred by them in such removal and restoration and the balance (if any) shall be paid to the Promoters or if such proceeds of sale shall be insufficient to pay such expenses the Promoters shall on demand pay such deficiency to the local authority and in case of non-payment the same shall be recoverable by the local authority by all and the same means as any simple contract debt of like amount may be recovered.

(Appointment of inspector.)

(32) The local authority may appoint an inspector to examine those portions of the roadway which the Promoters are required by this Order to maintain and the rails engines carriages harness and mechanical appliances belonging to or used upon or in connection with the tramways and the working of the same and to report to the local authority from time to time as to the state and condition thereof and to take such action with respect to the same as the local authority may direct and the local authority may pay him such salary or other remuneration as they shall determine.

(Costs of local authority to be paid by Promoters.)

(33) All costs charges and expenses including parliamentary agents' and counsels' charges and fees and solicitors' and clerks' and surveyors' charges incurred by the local authority in connection with or which may be incident to the negotiations between them and the Promoters in relation to this Order and to the Order promoted in the session of 1893 and to the application for and obtaining such Orders and to the confirmation thereof by Parliament shall be paid by the Promoters before the commencement of the works by this Order authorised and any such charges and fees in connection with the construction and subsequent repair and maintenance of the tramways or with any authorised supervision by the local authority or any person appointed by them of the tramways and works and the traffic on the tramways or in connection with or which may be incident to any agreement or arrangement between the Promoters and the local authority or any byelaws made or to be made by the Board of Trade or the local authority or any consents or licences shall be paid by the Promoters to the local authority within one month from the date on which payment of the same shall be demanded.

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(Recovery of penalties &c.)

(34) All sums which may become due or payable by the Promoters to the local authority under the provisions of this Order or of any other Order or of any Act of Parliament and all penalties damages costs charges and expenses under this Order or any provisions incorporated with this Order or under any byelaw made by the local authority under this Order or the Tramways Act 1870 may be enforced and recovered either in any court of competent jurisdiction or in any court of summary jurisdiction with full costs of suit.

For protection of the Birmingham Central Tramways Company Limited.

11. For the protection of the Birmingham Central Tramways Company Limited the following provisions (in addition to all other provisions of this Order and of any enactment incorporated therewith applicable to the said company) shall apply and have effect with respect to the construction and maintenance of Tramway No. 1.

(*a*) Before commencing to construct that portion of Tramway No. 1 which forms a connection with the termination of the said company's existing tramway in the Holyhead Road Handsworth being Tramway No. 47 authorised by the Order of 1886 the Promoters shall give to the said company fourteen clear days notice in writing of their intention and the said company may upon giving notice in writing to the Promoters within ten clear days of the receipt of such notice from the Promoters themselves elect to make the connection between Tramway No. 1 and the said company's tramway at the cost of the Promoters.

(*b*) In case the said company shall not give notice as aforesaid of their intention to make the connection between Tramway No. 1 and their tramway the Promoters shall carry out the work under the supervision and to the satisfaction of the said company's engineer for the time being with such expedition and in such a manner as to prevent as far as practicable any inconvenience or loss arising to the said company either from the stoppage of traffic or any other cause while such connection is being made the Promoters paying to the said company the reasonable costs of such supervision and whether the said company give such notice as aforesaid or not) the Promoters shall also at all times during the maintenance and working of the said tramway take such steps as may be necessary to prevent any loss or inconvenience to the said company from the stoppage of traffic or any other cause and the Promoters shall indemnify the said company therefrom and the said company may recover from the Promoters such loss and damages as they may have sustained with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

For protection of the Postmaster-General.

12. Section 54 of the Act of 1889 is hereby repealed and the following provisions shall apply and have effect in lieu thereof in the event of the tramways or any part thereof being worked by electricity.

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction

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of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

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(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) In this section the expression "the tramways" includes the Promoters' authorised tramways and any other tramways owned or worked by the Promoters.

Inspection by Board of Trade.

13. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power Traffic and Tolls.

Carriages may be moved by animal cable electric or mechanical power.

14. The carriages used upon the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by means of cable electric or any mechanical power other than steam power.

Provided always that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the Schedule A to the Order of 1881 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the tramways.

Restrictions on use of electric power and repeal of section 55 of Act of 1889.

15. Section 55 of the Act of 1889 is hereby repealed and in lieu thereof the following provisions shall apply to the use by the Promoters of electric power upon the tramways and the Promoters' authorised tramways unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

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(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their Undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3) The powers by the Act of 1889 or this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of the Act of 1889 or this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the

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effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7) The expression "the Promoters" in this section shall include their lessees and the licensees or any person owning or using any tramways of the Promoters.

Power to place posts wires &c.

16. Subject to the provisions of this Order and notwithstanding anything contained in section 56 of the Act of 1889 the Promoters may with the previous approval of the local and road authority and of the Board of Trade place and maintain on any street or road in which any of the tramways or the Promoters authorised tramways are or may be laid such posts and overhead electric wires as may be necessary and proper for working such tramways by electric power.

Consent of local authorities.

17. In case any local or road authority shall at any time refuse or withhold any consent or approval required by the Act of 1889 or the Tramways Act 1870 or by any of the Orders set forth in section 6 of the Act of 1889 or by this Order and in the opinion of the Promoters such refusal or withholding of consent or approval is unreasonable or in case any difference arises between any local or road authority and the Promoters touching the reasonableness of any requirement of such local or road authority under such Acts or Orders the Board of Trade may on the application of the Promoters whereof previous notice in writing shall have been given by the Promoters to such local or road authority themselves determine the matter in question with respect to such refusal or withholding of consent or approval or such difference and the same shall not be deemed a matter in difference between the Promoters and such local or road authority within section 33 of the Tramways Act 1870 and the costs of such determination shall be in the discretion of the Board of Trade.

Certain provisions of the Order of 1881 to apply.

18. Save as by this Order otherwise expressly provided the following provisions of the Order of 1881 that is to say sections 44 to 50 both inclusive (with respect to motive power) sections 51 to 54 both inclusive and sections 56 and 58 (with respect to traffic upon tramways) sections 62 to 66 both inclusive (with respect to tolls) sections 68 to 71 both inclusive (miscellaneous) and Schedule A to the said Order annexed shall so far as applicable extend and apply to the

tramways and undertaking by this Order authorised, and for the purposes of such application the expressions "the tramways" "the undertaking" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined respectively by this Order the Promoters of this Order and this Order and the expression "mechanical power" shall for such purposes be construed to include any power other than animal power by this Order authorised to be used on the tramways Provided that nothing in sections 51 or 54 of the Order of 1881 contained shall be construed to require the Promoters to obtain the consent of the local authority of any district to the conveyance of parcels not exceeding twenty-eight pounds in weight nor to provide separate carriages or parts of carriages therefor.

Certain provisions of the Act of 1889 to apply.

19. Save as by this Order otherwise expressly provided the following provisions of the Act of 1889 that is to say sections 57 to 60 (both inclusive) shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised and for the purposes of such application the expressions "the tramways" "the undertaking" "the company" and "this Act" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined respectively by this Order the Promoters of this Order and this Order.

Miscellaneous.

Removal of certain existing tramways.

20. The Promoters may for the purpose of constructing the tramways by this Order authorised or any of them take up and remove the tramways now existing in Carter's Green High Street Birmingham Road and Holyhead Road from the point of the commencement of the tramways by this Order authorised to the end thereof Upon the said tramways being respectively taken up and removed by the Promoters under the provisions of this Order all the rights powers authorities obligations and liabilities under the provisions of the Order of 1881 and the Act of 1889 with respect to the said tramways or parts of tramways so taken up and removed and the construction and maintenance thereof and the traffic thereon and other matters relating to the same shall absolutely cease and determine and the tramways by this Order authorised to be constructed in substitution for the said tramways or parts thereof so taken up and removed shall for all purposes and notwithstanding anything in the Order of 1881 and the Act of 1889 or either of them contained be deemed to be tramways originally authorised by this Order and the provisions of the Order of 1881 and of the said Act shall apply and have effect with regard to such or such parts only (if any) of the tramways authorised by the Order of 1881 as shall not be so taken up and removed in all respects as if the said tramways or parts of tramways so taken up and removed had not formed parts of the tramways by such Order authorised.

Power to contract and grant leases.

21. Subject to the provisions of this Order the Promoters may at any time contract with any Company or person for the construction equipment working and maintenance of the tramways by this Order authorised and any other tramways of the Promoters or any part or parts thereof and they may subject to the consent and approval of the Board of Trade grant a lease or leases of any of the said tramways or any part or parts thereof to any Company or person

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either alone or together with all or any part of the lands buildings machinery rolling stock or other property of the Promoters for any term of years provided that the same shall determine at or before the expiration of twenty-one years after the date of this Order at such rents fixed or variable with the profits or otherwise and upon and subject to such terms and conditions as may be agreed upon and during the existence of any contract entered into pursuant to this section such company or person shall have and may exercise and shall be and become liable to the same rights powers authorities penalties duties and obligations as the Promoters and during the continuance of any such lease the lessees of the Promoters may work and use the tramways comprised in such lease subject to all provisions regulations and byelaws for the time being in force on such tramways and may exercise all such rights powers and authorities in relation to such tramways not being inconsistent with any such provisions regulations or byelaws as aforesaid as may be conferred upon them by such lease and as if the tramways comprised in the lease formed a separate undertaking distinct from the other tramways of the Promoters under this Order or otherwise Provided that the lessees of the Promoters shall not use any power other than animal power on any tramways comprised in such lease unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions as they may think fit The Promoters may at any time accept the surrender of any lease of any tramways of the Promoters for the time being subsisting upon such terms as the Promoters may think proper Every lease granted under this section shall imply a condition of re-entry if at any time after the making of the same the lessees of the Promoters discontinue the working of the tramways leased or of any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such lessees for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) and shall be determinable by six calendar months' notice in writing to the lessees of the Promoters in the event of a compulsory sale of the tramways comprised in such lease or any of them to the local authority under section 43 of the Tramways Act 1870 or this Order.

Power to grant running powers.

22. Subject to the provisions of this Order the Promoters may with the consent in writing of the Board of Trade grant to any company or person power to run over work and use the tramways by this Order authorised or any part thereof and any other tramways of the Promoters with carriages horses cable electric mechanical and other motive power except steam power for the purposes of traffic of every description and may enter into agreements with such company or person for or in relation to the granting or exercise by such company or person of such running powers and such company or person may exercise and use such running powers accordingly and shall at all times observe the provisions regulations and byelaws for the time being in force on the tramways so run over so far as the same may be applicable The terms and conditions upon which such running powers may be exercised shall be such as may from time to time be agreed upon between the Promoters and such company or person and the Board of Trade may approve or as failing agree-

ment may from time to time be determined by an arbitrator to be nominated by the Board of Trade in manner provided by section 33 of the Tramways Act 1870.

For protection of the receivers and managers.

23. As between the Promoters and the persons for the time being holding mortgages issued by the Promoters the undertaking by this Order authorised shall be deemed to form part of the general undertaking of the Promoters as existing prior to the fifth day of May 1893.

Saving as to powers of borrowing on mortgage.

24. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 or under this Order and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 or under this Order and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Fares not to be raised on Sundays &c.

25. The Promoters or any company or person working or using the tramways shall not raise their fares on any Sunday or public holiday.

Saving for general Acts.

26. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

Tramways Orders Confirmation (No. 2).

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Croydon Corporation Tramways, Croydon Tramways (Extensions), and South Staffordshire Tramways.

(*Brought from the Lords* 6 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 4½*d.*]

[Bill 307.]

A

B I L L

INTITULED

An Act to amend the Acts of the eighth and ninth years of Victoria, chapter twenty-six, and of the twenty-third and twenty-fourth years of Victoria, chapter forty-five, relating to Fishing for Trout or other fresh-water Fish by Nets in the Rivers and Waters of Scotland, and to make provision for a close time. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Close time for trout.

1. It shall not be lawful for any person whatsoever, at any time after the passing of this Act, between the first day of November in any year and the first day of February in the year following, both inclusive, to fish for common trout (*salmo fario*) in any river, water, or loch in Scotland, by net, rod, line, or otherwise, or in any way whatever to take such trout from any such river, water, or loch; or within said dates, both inclusive, to have possession of or expose for sale such trout; and if any person shall so fish for or take such trout from any river, water, or loch in Scotland, or shall have possession of such trout, or expose such trout for sale at any time within the said dates, both inclusive, such persons shall forfeit and pay a sum not exceeding five pounds for every such offence.

Construction of Act. 8 & 9 Vict. c. 26. 23 & 24 Vict. c. 45.

2. This Act shall be read and construed along with and as part of the Trout (Scotland) Act, 1845, and the Trout (Scotland) Act, 1860, and the provisions of the said Acts as hereby amended shall apply in the same manner as if this Act were incorporated with and formed part of the said Acts.

Short title.

3. This Act may be cited as the Trout (Scotland) Act, 1894, and the above-mentioned Acts and this Act may be cited together as the Trout (Scotland) Acts, 1845 to 1894.

[Bill 279.]

Trout Fishing (Scotland). [H.L.]

A

B I L L

INTITULED

An Act to amend the Acts of the eighth and ninth years of Victoria, chapter twenty-six, and of the twenty-third and twenty-fourth years of Victoria, chapter forty-five, relating to Fishing for Trout or other fresh-water Fish by Nets in the Rivers and Waters of Scotland, and to make provision for a close time.

(*Brought from the Lords* 11 *June* 1894.)

Ordered, by The House of Commons, *to be Printed*, 12 *June* 1894.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 279.]

A

B I L L

TO

Amend the Trustee Act, 1893.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of certain powers to Ireland.

1. The powers conferred on the High Court in England by section forty-one of the Trustee Act, 1893, to make vesting orders as to all land and personal estate in Her Majesty's dominions except Scotland, are hereby also given to and may be exercised by the High Court in Ireland.

Short title.

2. This Act may be cited as the Trustee Act, 1893, Amendment Act.

[Bill 58.]

Trustee Act, 1893, Amendment.

A

B I L L

To Amend the Trustee Act, 1893.

(*Prepared and brought in by*
Mr. William Kenny, Mr. Carson, Mr. Sexton,
Mr. T. W. Russell, Mr. Cozens-Hardy,
Mr. T. M. Healy, Mr. Ross, and Mr. Clancy.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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[*Price* ½*d.*]

[Bill 58.]

LORDS AMENDMENTS

TO THE

TRUSTEE ACT, 1893, AMENDMENT BILL.

Before clause 1 insert clause A.:

A. In section thirty of the Trustee Act, 1893, the words "as "heir, or under the will of a deceased person, for payment of "whose debts the judgment was given or order made" shall be repealed. Amendment of 56 & 57 Vict. c. 53. s. 30.

After clause 1 insert clauses B. and C.:

B. In section forty-four of the Trustee Act, 1893, after the word "trustee" in the first two places where it occurs shall be inserted the words "or other person." Amendment of 56 & 57 Vict. c. 53. s. 44.

C. A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorised by the instrument of trust or by the general law. Liability of trustee in case of change of character of investment.

LORDS AMENDMENTS

TO THE

TRUSTEE ACT, 1893, AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1894.

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and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 273.]

A

B I L L

TO

Regulate and restrict the wearing of Naval and Military Uniforms. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Uniforms Act, 1894.

Provisions of this Act to extend to Jersey, &c.

2. This Act shall extend to the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging.

Interpretation.

3. In this Act the following words and expressions shall have the meanings in this section assigned to them respectively; (that is to say,)

The word "uniform" shall include the clothing supplied to, or worn by, Her Majesty's Naval and Military Forces, under the sanction of the Queen's Regulations and Orders for the Army, or by authority contained in the Dress Regulations for the Officers of the Army; the Regulations for the supply of clothing and necessaries to the Regular Forces; the Regulations for the Militia; the Regulations for the Yeomanry Cavalry; the Volunteer Regulations; and the Uniform Regulations for the Royal Navy and Royal Marines; and

The expression "Her Majesty's Naval and Military Forces" shall include the Royal Navy, the Royal Marines, the Army, the Militia, the Yeomanry, the Volunteers, and all Her Majesty's Regular, Auxiliary, and Reserve Forces.

Naval and military uniforms not to be worn without authority.

4. It shall not be lawful for any person not serving in Her Majesty's Naval or Military Forces to wear the uniform, or any part thereof, or any colourable imitation thereof, of the said Naval or Military Forces, unless permission to wear such uniform shall have been granted to such person by Her Majesty in due course.

[Bill 12.]

A.D. 1894.

Penalty for wearing uniforms contrary to Act.

5. Any person not serving in Her Majesty's Naval or Military Forces who shall wilfully and without Her Majesty's permission wear the uniform, or any part thereof, or any colourable imitation thereof, of Her Majesty's Naval or Military Forces, shall for every such offence be liable to a fine not exceeding *ten pounds*.

Saving.

6. Nothing in this Act shall make it an offence to wear any great-coat, cloak, trousers, boots, gloves, head-dress or cap, if the same shall not bear any regimental or other distinguishing badge or device peculiar to Her Majesty's Naval or Military Forces; and nothing in this Act shall make it an offence to wear the uniform, or any part thereof, or any colourable imitation thereof, of Her Majesty's Naval or Military Forces, in the course of a stage play performed in a place duly licensed for the performance of stage plays.

Uniforms.

A

BILL

To regulate and restrict the wearing of Naval and Military Uniforms.

(*Prepared and brought in by Mr. Farquharson, Mr. Brookfield, Mr. Hanbury, Major Rasch, and Captain Norton.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 12.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Regulate and restrict the wearing of Naval and Military Uniforms. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as the Uniforms Act, 1894.

Naval and military uniforms not to be worn without authority.

2.—(1.) It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this enactment shall not prevent—

(*a.*) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's military forces; or

(*b.*) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorized for the public performance of stage plays, or in the course of a circus performance, or in the course of any bonâ fide military representation.

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Penalty for wearing uniforms contrary to Act.

3. If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any

A.D. 1894.

of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Interpretation.

4. In this Act—

The expression "Her Majesty's Military Forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers:

The expression "Her Majesty's Naval Forces" means the Navy, the naval coast volunteers, and the naval volunteers.

Commencement.

5. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

Uniforms.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To regulate and restrict the wearing of Naval and Military Uniforms.

(*Prepared and brought in by Mr. Farquharson, Mr. Brookfield, Mr. Hanbury, Major Rasch, and Captain Norton.*)

Ordered, by The House of Commons, *to be Printed*, 10 *July* 1894.

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[*Price* ½*d.*]

[Bill 309.]

A

B I L L

TO

Abolish the Representation in Parliament of the Universities of the United Kingdom.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No member to be elected to future Parliaments for any university.

1. After the termination of this present Parliament no member or members shall be elected to serve in Parliament for any university or combination of universities.

Repeal.

2. The Acts described in the schedule to this Act are hereby repealed to the extent appearing in the third column of the schedule.

Short title.

3. This Act may be cited as the University Representation Abolition Act, 1894.

A.D. 1894.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
25 Geo. 3. c. 84.* -	An Act to limit the duration of Polls and Scrutinies, &c.	The whole Act, so far as at present unrepealed.
33 Geo. 3. c. 64.* -	An Act to explain and amend an Act, &c.	The whole Act, so far as at present unrepealed.
2 & 3 Will. 4. c. 88. -	The Representation of the People (Ireland) Act, 1832.	Section eleven, the words "and the University of "Dublin." Section thirteen, the words "the University of Dublin "excepted." Section fourteen, the words "the borough of the Uni- "versity of Dublin only "excepted." Sections sixty and sixty-one.
5 & 6 Vict. c. 74. -	An Act to amend the Representation of the People (Ireland) Act, 1832.	The whole Act.
13 & 14 Vict. c. 68. -	An Act to shorten the Duration of Elections in Ireland, &c.	Sections seventeen, from "and nothing" to the end of the section.
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	Section one hundred and nineteen.
16 & 17 Vict. c. 68. -	The Parliamentary Elections Act, 1853.	Section one, the words "for "the Universities of Ox- "ford and Cambridge "and;" the words "to the "Vice-Chancellors of the "said Universities and;" and the words "such Vice-Chancellors and." Sections four and five.
24 & 25 Vict. c. 53. -	The University Elections Act, 1861.	The whole Act.
30 & 31 Vict. c. 102. -	The Representation of the People Act, 1867.	Section two, from "nor in anywise" to the end of the section. Sections twenty-four, twenty-five, and forty-one to forty-five inclusive.

* These two Acts are repealed by the Ballot Act, 1872, except so far as they relate to universities.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 & 32 Vict. c. 48. -	The Representation of the People (Scotland) Act, 1868.	Section two. Sections twenty-seven to forty-one inclusive. Schedules E., F., G.
31 & 32 Vict. c. 49. -	The Representation of the People (Ireland) Act, 1868.	Section two, from "but shall not" to the end of the section.
31 & 32 Vict. c. 65. -	The Universities Elections Act, 1868.	The whole Act.
31 & 32 Vict. c. 112. -	The Registration Amendment (Ireland) Act, 1868.	Sections thirty-three and thirty-four.
35 & 36 Vict. c. 33. -	The Ballot Act, 1872 - -	Sections twenty-seven and thirty-one.
38 & 39 Vict. c. 84. -	The Parliamentary Elections (Returning Officers) Act, 1875.	Section eight.
41 & 42 Vict. c. 41. -	The Parliamentary Elections Returning Officers' Expenses (Scotland) Act, 1878.	Section five.
44 & 45 Vict. c. 40. -	The Universities Elections Amendment (Scotland) Act, 1881.	The whole Act.

Universities Representation Abolition.

A

B I L L

To abolish the Representation in Parliament of the Universities of the United Kingdom.

(*Prepared and brought in by Mr. Charles Roundell, Sir G. Osborne Morgan, Mr. Hunter, Mr. Swift MacNeill, Mr. Knox, Mr. Roby, Sir H. Roscoe, Mr. Buchanan, Mr. Haldane, Mr. Donald Crawford, Mr. Gully, Mr. Francis Stevenson, and Mr. Paul.*)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1894.

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[*Price* ½*d.*]

[Bill 166.]

A

B I L L

FOR

Better securing Uniformity in the Valuation and Assessment of Rateable Property in the Administrative County of London; to establish a Tribunal to deal with Assessment Appeals; and for other purposes. A.D. 1894.

WHEREAS it is expedient to amend the Valuation (Metropolis) Act, 1869, and to make more effectual provisions for promoting uniformity in the assessment of rateable property in the metropolis:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Valuation (Metropolis) Act, 1894. Short title.

2. The Valuation (Metropolis) Act, 1869, and this Act shall be read and construed together as one Act, and expressions used in this Act have the same meanings as those attached by the Valuation (Metropolis) Act, 1869, to the same expressions therein. Act to be construed as one with 32 & 33 Vict. c. 67.

In this Act— Interpretations.

The Valuation (Metropolis) Act, 1869, is referred to as "the principal Act."

"The county" means the administrative county of London.

"The Council" means the London County Council.

3. The Council may from time to time make bylaws with respect to the following matters or any of them, viz.:— Council may make bylaws.

Regulating the practice of the assessment committees appointed under the principal Act, and of the overseers and all persons performing duties thereunder, in the assessment of either the gross or the rateable value of hereditaments.

A.D. 1894.

Altering or varying the forms of valuation lists, certificates, rates, and declarations set forth in the schedules to the principal Act, and any date by which any act or proceeding is under the principal Act or this Act required to be done or taken.

Any bylaw under this Act shall not become operative until after *two months* notice of the proposed bylaw shall have been given to the overseers and assessment committees and until such bylaw shall have been confirmed by the Local Government Board after considering any representations and objections by any overseer or assessment committee to the same.

Bylaws conclusive and binding.

4. Bylaws under this Act shall be binding upon and shall be observed by overseers and assessment committees in determining the gross and rateable value respectively of hereditaments within the metropolis, and shall be binding upon any person performing duties in relation to assessments or entitled to object to or appeal against any valuation list or valuation.

Publication and evidence of bylaws.

5.—(1.) A copy of all bylaws made in pursuance of this Act shall be printed and hung up at the principal office of the Council, and also in every parish within the metropolis at the place where rate books are kept.

(2.) Copies of the bylaws shall be open to public inspection at all such places without payment.

(3.) A sufficient number of copies for the use of the overseers shall be sent to the overseers by the Council, and copies shall be delivered by the Council to any person applying for the same on payment of such sum not exceeding *one shilling* as the Council shall direct.

(4.) The production of a printed copy of such bylaws, purporting to be authenticated by the seal of the Council, shall be evidence of the existence and of the due making, confirmation, and publication of such bylaws in all proceedings relating to the same without adducing proof of such seal or of the fact of such confirmation or publication of such bylaws.

Council to convene periodical conferences.

6. The Council shall in the third or fourth year of every period of five years as defined by section forty-six of the principal Act, convene a conference of representatives of the overseers and assessment committees for the purpose of deliberating upon any questions relating to the practice of assessment within the metropolis, and of considering any proposals for alterations in or repeals of any bylaws made under the provisions of this Act.

A.D. 1894.

Council to be represented at meetings of overseers, &c.

7. The Council may from time to time nominate a sufficient number of fit persons to represent it at any meeting of overseers held for the purpose of making or dealing with the valuation list of any parish under the principal Act, and also at any meetings of the assessment committee constituted under the principal Act.

Representatives of the Council may attend meetings of overseers, &c.

8. It shall be lawful for one of such representatives of the Council to attend at any meeting of overseers held for the purpose of making or dealing with any valuation list, and also at any meeting of any assessment committee, and to take part in the discussion thereat, but without being entitled to vote at any such meetings; and it shall be lawful for the clerk or other person authorised by the Council, when so directed by the Council, at all reasonable times, without payment, to inspect, examine, and take copies of or extracts from all valuation lists, notices of objection, returns, books, and other documents which relate to the assessment of hereditaments, and are in the possession or under the control of any assessment committee, overseers, vestry, guardians, or any other bodies performing duties in relation to assessments.

Notice of meetings of overseers and assessment committees.

9. The overseers of every parish and every assessment committee shall not less than *two* clear days before holding a meeting for the purpose of making or dealing with any valuation list give notice of such meeting to the clerk to the Council.

The Council may object to valuation list.

10. The Council may make objections before the assessment committee after either the deposit or the re-deposit of the valuation list; provided that no objection shall be made after the re-deposit of the list, except in respect of any alteration made in such list by the assessment committee.

Every notice of objection shall specify the correction which the Council desires to be made.

The provisions of the principal Act with reference to the making and hearing of objections shall apply to objections made by the Council as in the case of the surveyor of taxes, but section fifty-three of the principal Act shall not apply to objections made by the Council.

Making of valuation lists.

11. From and after the *passing of this Act*, the overseers shall make and sign every new and supplemental valuation list of their parish in triplicate.

As to triplicates of valuation list.

12.—(1.) Two triplicates of every such list shall be dealt with in accordance with the enactments in the principal Act with respect to the valuation list in duplicate directed by the principal Act to

A.D. 1894.

be made and signed by the overseers and as though such two triplicates were a valuation list in duplicate.

(2.) The third triplicate shall be sent by the overseers to the Council at the same time that one of the other two triplicates is deposited by them in pursuance of the enactments in that behalf contained in the principal Act.

Alteration of triplicate list by Council.

13. Where in the opinion of the Council the amount inserted in the valuation list as either the gross value or the rateable value of any hereditament should be altered, the Council shall insert in the triplicate of the valuation list sent to them pursuant to this Act, the sum which in their opinion properly represents such gross or rateable value as the case may be, and shall transmit the triplicate to the assessment committee within twenty-eight days after they have received the same.

Notice of meetings to overseers.

14. Before the Council insert in their triplicate any altered amount as the gross value or rateable value of any hereditament notice of the intended alteration shall be given by the Council to the overseers of the parish to which such triplicate relates, and it shall be lawful for a duly authorised representative of such overseers to attend before the committee of the Council dealing with the matter, and to take part in the discussion thereon.

As to alteration by Council of triplicate.

15. If the Council alter in a triplicate of any valuation list the gross or rateable value of any hereditament as inserted by the overseers the Council shall be deemed to have made an objection under this Act to the amount altered and shall give notice thereof to the person rated or liable to be rated in respect of such hereditament, before transmitting the triplicate of the valuation list to the assessment committee, and such person may attend before the assessment committee in order to be heard against the objection of the Council, and not less than two clear days notice shall be given to the overseers of the meeting of such committee at which the matter is to be taken into consideration.

Power for expert assistant to enter and value hereditaments.

16. Every person appointed under this Act or the principal Act to survey or value any hereditament may, after not less than twenty-four hours notice, at all reasonable times, with or without assistants, enter upon any such hereditament, for the purpose of surveying and valuing the same, and may do thereon all acts necessary for completing such valuation.

Assessment committee to appoint expert assistants.

17. Every assessment committee may, at their discretion, from time to time appoint one or more competent person or persons to survey and value the rateable hereditaments comprised in the

valuation list, or such of them as may be necessary, and otherwise to assist the assessment committee as they may require in ascertaining the correctness of the list.

Conditions of appointment.

18. The conditions of appointment of every such person shall provide that he shall give his assistance not only to the assessment committee but also to the overseers of every parish within the union.

Remuneration.

19. The remuneration of the person or persons so appointed shall be such as the assessment committee shall from time to time determine, and shall be paid by the assessment committee as part of their expenses under the principal Act.

Triplicate to be transmitted to Council.

20. The assessment committee shall re-transmit to the Council the triplicate of the valuation list sent by the overseers to the Council and transmitted by the Council to the assessment committee, at the same time that the certified valuation list is sent to the clerk of the Council by the assessment committee pursuant to section fourteen of the principal Act as amended by the section forty-four of the Local Government Act, 1888.

The clerk of the Council shall forthwith deposit the said triplicate at the County Hall, and the same shall be there retained and preserved.

Such triplicate shall, before being re-transmitted to the Council, be revised, approved, and certified by the assessment committee in the manner directed by section fourteen of the principal Act with reference to the certified valuation list so sent to the clerk of the Council as aforesaid.

Power to Council to appeal to Valuation Court.

21. The Council shall have power to appeal to the Valuation Court established by this Act against any decision of any assessment committee on an objection made before them to which the Council was a party, or against any alteration made by the assessment committee after re-deposit of the list.

Appeals by ratepayers, surveyors of taxes, and overseers.

22. Any person who is liable to be rated in respect of any of the hereditaments to which a valuation list relates, and any surveyor of taxes of the district to which such list relates, and (with the consent of the vestry of their parish) any overseers of a parish within the same union as the parish to which such list relates, may appeal against such list to the Valuation Court established by this Act if he or they feel aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in such list, or by reason of the omission of any matter therefrom.

A.D. 1894.

Notices of appeal.

23. Notice in writing of every appeal to the Valuation Court established by this Act, specifying the correction which the appellant desires to have made in the valuation list, shall be served by the appellant within the time in this Act mentioned, as follows, namely,—

(*a.*) On the Council;

(*b.*) On the assessment committee which approved the list wholly or partially questioned by the appeal;

(*c.*) On the overseers of the parish concerned:

When the appeal relates to the unfairness and incorrectness, or to the correction of the valuation of a hereditament, or to the incorrectness of any matter stated in the list with respect to a hereditament in respect whereof any person other than the appellant is liable to be rated, then—

(*d.*) On such person;

Where the appeal relates to the gross value of a hereditament, then—

(*e.*) On the surveyor of taxes of the district concerned.

The clerk to the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk to the Valuation Court established by this Act.

Valuation Court.

24.—(1.) For the purpose of hearing appeals under this Act against any valuation list in the metropolis, a Valuation Court shall be established, to be constituted as hereafter provided, to be called "the London County Valuation Court" (in this Act referred to as "the Valuation Court"). The Valuation Court shall be a Court of Record and shall have an official seal which shall be judicially noticed.

(2.) It shall be lawful for Her Majesty from time to time to appoint three persons as the ordinary members of the Valuation Court, of whom one shall be a barrister or solicitor of not less than *ten years* standing, one shall be a member of the Surveyors' Institution of not less than *ten years* standing, and one shall be a person not being a barrister, solicitor, or surveyor who shall have some experience in the assessment of hereditaments.

(3.) If at any time it shall appear necessary for the due despatch of business by the Valuation Court that the number of members of the Valuation Court should be permanently or temporarily increased, it shall be lawful for Her Majesty on the petition of the Valuation Court to appoint three more persons (and if necessary three more persons) respectively qualified as aforesaid to be either ordinary or

additional members of the Valuation Court, and any members appointed as additional members may be appointed either for one year or for such further limited period as may appear necessary, and any members appointed as additional members shall, during the period for which their appointment shall operate, have the same powers and authorities as the ordinary members of the Valuation Court.

If at any time any casual vacancy occur by death, resignation, or removal, or if any member of the Court be temporarily incapacitated, a person to fill such vacancy or a temporary substitute for the incapacitated member may be appointed in like manner.

(4.) There shall be paid to every ordinary member of the Court such yearly salary as the Local Government Board may from time to time appoint. And every such member of the Court shall be entitled to a superannuation allowance upon the same basis as a person who shall have served in a permanent capacity in the civil service of the State in accordance with the Acts relating to superannuation and other allowances to persons having held civil offices in the public service.

(5.) There shall be paid to every additional member of the Valuation Court for every day on which he shall be employed in hearing or determining appeals under this Act such sum as the Local Government Board may from time to time appoint. Every additional member of the Court, after the termination of his last sitting or his last sitting in any year, shall lay or cause to be laid before the Council a statement of the number of days during which he shall have been employed in hearing or determining appeals under this Act, and shall be paid such sum as shall thereupon appear to be due to him, but so that no such additional member of the Court shall be entitled to or be paid a greater sum in the aggregate in any one year than the salary for the time being of an ordinary member of the Court.

(6.) Any moneys payable to a member of the Court, whether ordinary or additional, under this Act shall be paid by the Council out of the county fund as a general county purpose.

(7.) Any member of the Court may from time to time be removed by Her Majesty for inability or misbehaviour.

(8.) Any three members of the Court, whether ordinary members or additional members, shall be deemed to constitute a full court. Provided that one of such members shall be a barrister or solicitor and one a surveyor both duly qualified as aforesaid.

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Interest in rates, &c. not to disqualify members of Court.

25. No member of the Valuation Court shall be disqualified from hearing and determining any appeal under this Act by reason of his being a ratepayer or one of several ratepayers or of any class of persons liable to contribute to or be benefited by any rate or assessment which may be increased, diminished, or in any way affected as the result of such appeal.

Place of meeting of Court.

26. The Valuation Court shall from time to time appoint the place in the metropolis where the appeals under this Act relating to each parish in the metropolis are to be heard, and may divide the metropolis into districts for the purpose of appeals under this Act, and appoint one or more places for every such district.

Procedure of court.

27. The Valuation Court shall in open court hear and determine all such appeals as may be brought before the Court in such order as the Court may from time to time appoint, and the Court may adjourn the hearing from time to time and to any day not later than the day before which all appeals to the Valuation Court are required by this Act to be heard, and, for the purpose of obtaining the decision of any superior court, to any day necessary for that purpose.

If from any accident or mistake due notice of appeal has not been given, or if an additional notice of appeal requires to be given, the Court may, if it thinks it just, order notice of appeal to be given, and the matter shall thereupon proceed as if the notice had been duly given.

The clerk of the assessment committee, or some deputy allowed by the assessment committee, shall attend the Valuation Court with the valuation list to which the appeal relates, and any alteration shall be made by the Court in that list, and every member of the Court shall place his initials against such alteration.

Powers of Court.

28.—(1.) The Court may confirm or alter the valuation list so far as it is questioned in such manner as it thinks just, and shall have power to make all just consequential amendments therein so as to cause the same to express the true gross and rateable value.

(2.) Whether an appeal questions both the gross and rateable value of a hereditament, or whether an appeal questions only the gross or only the rateable value of the hereditament, the Valuation Court may alter, where and as it shall think fit, both the gross and rateable value of the hereditament, or either of such values.

Provided that, before either value not questioned by the appeal is altered, notice shall be given in such manner as shall be directed by the Valuation Court to every such person not being a party to

or appearing on the appeal as would have been entitled to notice of the appeal if the value intended to be altered had been questioned thereby, and the hearing of the appeal shall be adjourned, if necessary, so as to enable such person (if any) to appear and be heard in opposition to the intended alteration of such value if he think fit.

(3.) In every case where the Court makes any alteration in the valuation list in respect of the gross or rateable value of any hereditament, the Court shall alter the total of the gross or rateable value of the parish to which the list relates, as the case may be, so as to bring the same into conformity with the altered valuation of the particular hereditament.

Notice of alterations.

29. Notice of any alteration in the valuation list made in consequence of any decision of the Valuation Court shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the clerk of the Council, the overseers, and surveyor of taxes of the parish and district to which the appeal relates, and such alteration shall be entered by the clerk of the Council and the overseers on the triplicates respectively deposited with them.

Notice of any such alteration shall, as soon as possible, be sent by the clerk of the Council to any person or body of persons who has power to levy or make any rate or assessment or require any contribution based on the total gross or rateable value of any valuation list.

Court may order production of documents.

30.—(1.) The Valuation Court may order any clerk to commissioners of taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents in his possession or power relating to rates or taxes which the Valuation Court may consider necessary for determining an appeal, and which do not relate to profits of trade or of concerns in the nature of trade.

(2.) Any person who refuses after tender of a reasonable sum for his expenses to obey any such order shall be liable (on proof of such refusal being given to the satisfaction of the Valuation Court) to a penalty not exceeding *five pounds*, and to a further penalty not exceeding *twenty shillings* for every day during which such refusal continues.

(3.) Such penalties shall be recovered in manner provided by the Summary Jurisdiction Acts.

Notice of sittings of Court.

31. The Valuation Court shall cause public notice under the hand of their clerk to be given of the several times at which they will sit at the several places appointed for the hearing of appeals. A copy of such notice shall be advertised in such manner as may

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from time to time be appointed by the Court, and a copy of such notice shall be sent ten days at least before the sitting of the Court to the clerk of the Council, to every surveyor of taxes, and to every assessment committee, to the overseers of any parish to which any appeal relates, and to all the parties to the appeal.

The assessment committee shall cause the notice to be published as soon as it is received by them.

Sworn evidence.

32. All witnesses whose evidence is tendered at the hearing of any appeal under this Act shall be examined upon oath, or solemn affirmation in those cases in which persons are by law allowed to make affirmation instead of taking an oath, and such oath or affirmation shall be administered by the clerk to the Valuation Court, or otherwise, as the Court may direct.

Special case on question of law.

33. Any of the parties to an appeal may require the Valuation Court to state any question or questions of law arising in such appeal, in the form of a special case, for the opinion of the High Court or any Division thereof.

The Valuation Court shall thereupon state and sign a case, and deliver the same to the party to the appeal by whom it is required, and the case may within *seven* days thereafter be set down for hearing.

Notice in writing of the decision of the High Court, or of the Division thereof, for whose opinion the special case is stated in pursuance of this section, shall be served by the clerk to the Valuation Court upon the parties to the appeal.

Who may be heard on appeal.

34. It shall be lawful for the parties to an appeal to appear and be heard in the Valuation Court either in person or by their solicitor or counsel. And it shall be lawful for the Council or any assessment committee or the overseers of any parish (when parties to an appeal) to appear and be heard in the Valuation Court by their clerk or other duly appointed officer.

Rules of practice.

35. The Valuation Court may, with the approval of a Secretary of State, frame rules and orders for regulating the practice of the Valuation Court and the forms of proceedings therein, and for determining the recognizances (if any) to be entered into by appellants, and scales of costs to be paid to counsel and solicitors, and from time to time amend such rules, orders, forms, and scales.

Clerk to Valuation Court.

36. The Valuation Court may from time to time appoint a clerk and other persons to assist them in their duties under this Act, and may assign to him or them such remuneration and such duties as

the Local Government Board may approve, and if any person shall make any claim for compensation in respect of disturbance in his office by reason of the passing of this Act, the Local Government Board shall have power to determine the same, and the amount allowed, if any, shall be payable by the Council as if it were an expense incurred in the execution of this Act.

Fees.

37. The Valuation Court may make a table of the fees to be paid to the clerk to the Valuation Court in the case of appeals under this Act, and shall lay such table before a Secretary of State in the same manner as the justices in quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Summary Jurisdiction Act, 1848 (which section relates to a table of fees and to the prohibition of clerks taking other fees), shall apply in the case of a table of fees payable to and the business done by the clerk to the Valuation Court under this Act.

All fees paid in the case of appeals under this Act shall be paid to the account of the county fund, and shall be so paid and taken and accounted for as the Council shall from time to time prescribe.

Costs in discretion of Court.

38. The costs of any appeal shall be in the discretion of the Valuation Court, and shall be awarded by them to be paid by such parties to the appeal, and in such proportions as they think just.

Recovery of costs.

39. Costs so ordered to be paid may be recovered as if they had been ordered to be paid by a court of quarter sessions, and when ordered to be paid by parties other than a ratepayer shall be paid as in the principal Act mentioned.

Court may order valuation and appoint valuer.

40. If any of the parties to an appeal apply to the Valuation Court to order a valuation of any hereditament with respect to which an appeal may be made, and if such applicant or applicants give such security as the Court think proper to pay the costs of the valuation, the Court may in their discretion employ some proper person to make such valuation.

Court may postpone hearing of appeal.

41. When the Court appoint a person to make a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation, and may adjourn the hearing to that day.

Valuation to be in writing.

42. The person so appointed to make a valuation shall make his valuation in writing, signed by him, and showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

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Valuer may enter and value.

43. Such person or his authorised assistants may, after not less than twenty-four hours notice, at all reasonable times enter upon any of the hereditaments directed to be valued and may do thereon all acts necessary for completing the valuation, and the costs of such valuation shall be costs in the appeal.

Times for certain proceedings.

44. (1.) Notices of appeal to the Valuation Court shall be given on or before the *first day of December* in the year in which the Valuation List appealed against is made or within one month after such list has been deposited with the clerk of the Council under section fourteen of the Principal Act as amended by section forty-four of the Local Government Act, 1888.

(2.) The Valuation Court may hold their sittings at any time after the *first day of January* which will enable them to determine all appeals (except where a valuation is ordered or a case is stated) before the thirty-first day of March ensuing.

Valuation of railways, tramways, &c.

45. From and after the passing of this Act the following provisions shall, notwithstanding anything contained in the principal Act, have effect with respect to the valuation of the following hereditaments, that is to say, railways, tramways, canals, docks, waterworks, gasworks, hydraulic power works, telegraph works, telephone works, and electric works which extend into more than one parish in the metropolis.

(1.) The Council shall make for the purpose of the next quinquennial valuation and of every succeeding quinquennial valuation a valuation of so much of every such hereditament as aforesaid as shall be situate in the metropolis.

(2.) The gross and rateable value of every such hereditament valued as aforesaid, or of so much thereof as shall be situate in the metropolis, shall be apportioned by the Council in accordance with the circumstances and with the general principles of law, between the several parishes into which such hereditament shall extend.

(3.) The valuation and apportionment shall on or before the *twenty-first day of May* in the year in which the same is made be transmitted by the Council to the overseers of every parish in the metropolis in which any part of such hereditament shall be situate, and the amounts of the proportion of the gross and rateable value respectively of such hereditament apportioned to each parish under the provisions of this section shall be entered by the overseers in the valuation list made and signed by them under the principal Act as amended by this Act, and the

Council shall also on or before the same date send to the owner of every such hereditament and any person liable to be rated in respect thereof a copy of so much of such valuation and apportionment as relates to such hereditament.

(4.) For the purpose of any valuation under this section the Council shall have power to require from the owner or person liable to be rated in respect of every hereditament to be valued under this section a return in manner herein-after provided with respect to the making of returns required by the overseers.

(5.) The owner of any hereditament to which such valuation relates or the person liable to be rated in respect thereof, and also any of the assessment committees or overseers concerned, may object to such valuation or to the apportionment within twenty-eight days after the copy thereof has been sent to him or them, and shall be entitled to be heard before the Council or any Committee of the Council to whom the Council shall delegate the duty of hearing such objections.

(6.) Notice in writing of any objections shall be given within the period aforesaid to the clerk to the Council and also to any person who would be affected by the alteration which the objector desires to be made.

Every such notice of objection shall state the alteration which the objector desires to be made.

(7.) Every person who would be affected by the alteration shall be entitled to appear and be heard before the Council or the appointed Committee of the Council on the hearing of the objection, and if it shall appear to the Council that any such person shall not have had notice it shall be lawful for the Council to send a notice of the objection to him forthwith, and to adjourn the hearing of the objection in order to enable such person to appear if he so desire.

(8.) After the objector and any other person appearing has been heard the Council shall allow or disallow the objection in whole or in part and confirm the valuation and apportionment, or make such reduction, increase, or alteration in such valuation or apportionment as they may think just.

(9.) The valuation and apportionment when so confirmed or altered shall be transmitted to the assessment committee by the Council on or before the *twentieth day of October* in the year in which the same is made and the amounts of the proportion of the gross and rateable value respectively of every such hereditament as aforesaid apportioned to each parish shall be entered by the clerk of the assessment committee in each

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triplicate of the valuation list before the same is finally approved and certified pursuant to the provisions of this Act and the principal Act.

Special valuation of railways, tramways, &c.

46. In any case where in any year other than the quinquennial year any hereditament a valuation whereof is in this Act directed to be made by the Council becomes liable to be rated, or where in any year other than the quinquennial year, any increase or reduction takes place from any cause in the value of any such hereditament, the following provisions shall, nowithstanding anything in the principal Act contained, have effect with respect to the valuation thereof.

(1.) The Council shall make a special valuation of such hereditament.

(2.) The rateable value of such hereditament as appearing in such special valuation shall be apportioned by the Council, in accordance with the circumstances and with the general principles of law, between the several parishes into which such hereditament shall extend.

(3.) The special valuation and apportionment shall, at as early a date as possible after the Council becomes aware that such hereditament has become liable to be rated, or of the alteration in the value thereof, be transmitted by the Council to the overseers of every parish in the metropolis in which any part of such hereditament shall be situate, and the overseers shall thereupon enter the amounts of the proportions of the gross and rateable value of such hereditament apportioned to each parish in provisional lists, and the consequential alterations shall be made in the next supplemental lists made for the several parishes into which such hereditament extends, and, if necessary, supplemental lists shall be made for the purpose of including the amounts of the aforesaid proportions of the gross and rateable value.

(4.) The owner of any hereditament to which such special valuation relates, and any person liable to be rated in respect thereof, and also any of the assessment committees or overseers concerned may object to such special valuation, or to the apportionment within *twenty-eight days* after the copy thereof has been sent to him or them, and shall be entitled to be heard before the Council, or any committee of the Council, to whom the Council shall delegate the duty of hearing such objections.

(5.) Notice in writing of any objections shall be given, and persons shall be entitled to appear and be heard before the

Council, or the appointed Committee of the Council, and the Council shall thereupon proceed in the same manner as nearly as may be as directed with respect to valuations for the quinquennial year, and the amounts of the proportion of the gross and rateable value respectively of every such hereditament as aforesaid, apportioned to each parish under the provisions of this section shall be entered by the clerk of the assessment committee in each triplicate of the supplemental valuation list before the same is finally approved and certified pursuant to the provisions of this Act and the principal Act.

(6.) All the provisions of the principal Act as amended by this Act relating to provisional and supplemental lists, and the making thereof respectively, shall apply to the making of a provisional and a supplemental list under this section so far as the same provisions are applicable thereto, and every hereditament inserted in a provisional list under this section shall become liable to rating in the same manner as if it had been inserted in a provisional list under the principal Act.

(7.) For the purpose of any valuation under this section the Council shall have power to require from the owner or any person liable to be rated in respect of every hereditament to be valued under this section a return in manner hereinafter provided with respect to the making of returns required by the overseers.

Accidental omissions may be remedied.

47. In any case where a hereditament or any part of a hereditament has been omitted from or wrongly inserted in the valuation list, a provisional list containing the gross and rateable value of such hereditament or part of a hereditament shall be made, and the consequential alteration shall be made, in the next supplemental list made for the parish in which the same is situate, and, if necessary, a supplemental list shall be made for the purpose of including such hereditament or part of a hereditament.

All the provisions of the principal Act, as amended by this Act, relating to provisional and supplemental lists, and the making thereof respectively, shall apply to the making of a provisional and a supplemental list under this section, so far as the same provisions are applicable thereto.

Provisions in default of list.

48.—(1.) If the overseers of any parish shall fail to send to the Council such a triplicate of the valuation list as is required by this Act, the Council may appoint some person to make a copy of the valuation list which has been deposited by such overseers with the

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assessment committee, and may allow such person such remuneration in addition to his expenses, as they think fit.

(2.) Any person appointed by an assessment committee to make a valuation list under the provisions of the thirteenth section of the principal Act shall transmit a copy of such list to the Council at the same time that a copy is transmitted to the surveyor of taxes.

(3.) If any assessment committee fail to appoint a person to make a valuation list under the thirteenth section of the principal Act, the Council may appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit. The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in like manner as if it had been duly made and transmitted by the overseers.

(4.) All expenses incurred by the Council in pursuance of this section shall be paid by the bodies or persons who have made default.

Power to appoint valuer.

49. The Council may appoint some competent person or persons to assist them in ascertaining the valuation of hereditaments within the metropolis, and any such person may after twenty-four hours notice at all reasonable times, and with or without assistants, enter upon any such hereditament for the purpose of surveying and valuing the same, and may do thereon all acts necessary for completing the valuation thereof.

As to Penge.

50. Notwithstanding anything contained in the Valuation (Metropolis) Act, 1869, the hamlet of Penge shall, for the purposes of this Act, and of the Valuation (Metropolis) Act, 1869, and the Acts incorporated therewith (but not for any other purpose), be deemed to be a parish not in union and wholly or for the greater part in value thereof situate within the jurisdiction of the Council, and this Act and the Valuation (Metropolis) Act, 1869, and the Acts incorporated therewith, and the several provisions thereof respectively, shall extend and apply to the hamlet of Penge accordingly.

Saving of exemption from rates.

51. Nothing contained in this Act shall affect any exemption or deduction from or allowance out of any rate or tax whatever or any privilege of or provisions for being rated or taxed upon any exceptional principle of valuation.

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Expenses.

52. Any costs or expenses awarded against or incurred by the Council in the execution of this Act shall, except where otherwise provided in this Act, be defrayed as payments for general county purposes within the meaning of the Local Government Act, 1888, and any costs, charges, and expenses of preparing, applying for, and passing this Act shall be defrayed in like manner.

Appeal against insertion or correction of name in rate.

53. Any person whose name is inserted or corrected in any rate pursuant to the provisions of section seventy-two of the principal Act may appeal against such insertion or correction to the Valuation Court in the like manner as he might have appealed against the rate.

Returns to be made.

54. In every year after the *passing of this Act* in which a new valuation list or a supplemental list is made, or in the month of *March* preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive, or where there is no such person the owner shall when required make a return to the overseers of his parish.

Notices and forms.

55. For the purpose of securing the proper making of such returns, the overseers shall serve a notice on every person in their parish required to make a return, and every person so required shall make a return within *twenty-one days* after the service of such notice.

Every such notice shall be accompanied by a form of return.

The notices and returns shall be in such form as shall be from time to time prescribed by bylaw under this Act.

The time for service of such notices and forms shall be prescribed in like manner.

Any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list, shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

Returns in case of provisional list.

56. It shall be lawful for the overseers of any parish for the purpose of preparing any provisional or supplemental list under the principal Act to require the person who is liable to be rated or taxed in respect of the hereditament to which the provisional list relates (or where there is no such person the owner), to make to them a statement or return in form prescribed by bylaw under this Act.

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Amending section 47 of principal Act.

57. Notwithstanding anything contained in sub-section (2) of section 47 of the principal Act, it shall not be lawful for the person (if any) who shall have made the written requisition to the overseers referred to in sub-section (1) of that section to summon the assessment committee pursuant to sub-section (2) of the said section for the purpose of appointing a person to make the provisional list, unless and until the overseers shall have made default in sending such provisional list to the assessment committee pursuant to sub-section (1) of the said section for a period of fourteen days after the person required to make the said return shall have made it to the overseers.

Amending section 57 of principal Act.

58. Section fifty-seven of the principal Act shall be read and construed in all respects as if the words "or the overseers of any "parish" had been originally inserted therein after the words "an "assessment committee," and the words "or parish" after the words "their union."

Penalty for refusal to make returns.

59. If any person refuse or neglect to make any return lawfully required under this Act or the principal Act within the times respectively limited by this Act and the principal Act in that behalf, he shall be liable to a penalty not exceeding *five pounds* for every such neglect or refusal, and to a further penalty not exceeding *forty shillings* for every day during which such neglect or refusal continues.

The assessment committee or the overseers, as the case may be, who have required any return under this Act or the principal Act, shall (unless they decide that there are adequate reasons to the contrary) prosecute any person so as aforesaid refusing or neglecting to make such return, and recover from him the penalties hereinbefore imposed in respect of such refusal or neglect.

Such person shall be prosecuted and such penalties recovered in manner directed by the Summary Jurisdiction Acts.

Repeal of enactments.

60. The enactments specified in the Schedule to this Act are hereby repealed when they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis, provided—

(1.) That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation.

(2.) That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

And where in any unrepealed section of the principal Act and the Acts incorporated therewith, any provisions are made with reference to the assessment sessions or the justices in assessment sessions, the same shall be read as if in each case the Valuation Court created by this Act was substituted for the assessment sessions or the justices in assessment sessions.

Duties of clerk of the Council under section 44 of Local Government Act, 1888.

61. The duties imposed upon the clerk of the managers of the Metropolitan Asylums Districts under the Valuation (Metropolis) Act, 1869, with respect to the Valuation List, and transferred to the clerk of the Council by the forty-fourth section of the Local Government Act, 1888, shall be discharged by him, subject to the directions of the Council, in the same manner as his other duties as such clerk, and the expenses incurred by him in connexion with the Valuation List shall be deemed to be expenses of the Council, and shall be paid out of the county fund.

The SCHEDULE referred to in the foregoing Act.

ACTS REPEALED.

Session and Chapter.	Short Title.
32 & 33 Vict. c. 67. -	The Valuation (Metropolis), 1869. (In part) namely,— Sections eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one. The following words in section thirty-two, "or by any "decision of special sessions, whether he was a party or "not." Sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one. Sub-sections nine, ten, twelve, thirteen, and fourteen of section forty-two. Sections fifty, fifty-five, fifty-six, part of fifty-eight, viz., from the words, "If any person wilfully refuses" to the words "five pounds." The following words in section seventy-two, "provided "that any person whose name is so inserted or cor- "rected in any such rate may appeal against the same "at the general quarter sessions of the peace which is "holden next after such insertion or correction in like "manner as he might have appealed against the rate."
51 & 52 Vict. c. 41. -	Local Government Act, 1888. Sub-section ten of section forty-two.

Valuation (Metropolis).

A

B I L L

For better securing Uniformity in the Valuation and Assessment of Rateable Property in the Administrative County of London; to establish a Tribunal to deal with Assessment Appeals; and for other purposes.

(*Prepared and brought in by Mr. Pickersgill, Mr. Cohen, Sir Albert Rollit, Mr. James Stuart, Mr. James Rowlands, Mr. Howell, and Captain Norton.*)

Ordered, by The House of Commons, *to be Printed*, 30 *March* 1894.

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[Bill 130.]

A

B I L L

INTITULED

An Act to amend the Valuation of Lands (Scotland) Acts in regard to the duties of the Assessor of Railways and Canals. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited for all purposes as the Valuation of Lands (Scotland) Acts Amendment Act, 1894.

Assessor to make up valuation roll of railways and canals annually by 15th March. 17 & 18 Vict. c. 91. 30 & 31 Vict. c. 80. 50 & 51 Vict. c. 51.

2. For the purposes of the valuation roll to be made up by the assessor of railways and canals (herein-after called the assessor) in terms of the following Acts, viz., the Lands Valuation (Scotland) Act, 1854, the Valuation of Lands (Scotland) Amendment Act, 1867, and the Valuation of Lands (Scotland) Amendment Act, 1887, (herein-after called the recited Acts) for the year ending Whitsunday one thousand eight hundred and ninety-six and subsequent years, in place of the fifteenth day of August, as provided by the twenty-first section of the first recited Act, there shall be substituted the fifteenth day of March as the day on or before which the assessor shall inquire into and fix in cumulo the yearly rent or value of all lands and heritages in Scotland belonging to or leased by each railway and canal company, and forming part of its undertaking; and in place of the fifteenth day of May, as provided in the twenty-third section of the said first recited Act there shall be substituted the fifteenth day of November previously as the day on or before which intimations of the desire of any water company, or gas company, or other company having any continuous lands and heritages liable to be assessed in more than one parish, county, or burgh, to have such lands and heritages assessed, shall be made to the sheriff.

[Bill 345.]

A.D. 1894.

Valuation roll to be transmitted by assessor by 15th March, &c.

3. In place of the fifteenth day of August, as provided by the twenty-fourth section of the Act seventeen and eighteen Victoria, chapter ninety-one, there shall be substituted the fifteenth day of March as the day on or before which in each year the assessor shall, in terms of the recited Acts, transmit to each railway and canal and other company included in his valuation a copy of the entries in his roll; and in place of the eighth day of September there shall be substituted the eighth day of April as the day on or before which any company considering themselves aggrieved by such valuation may obtain redress by satisfying such assessor that they have well-founded ground of complaint, and obtain an alteration by him of his valuation accordingly; and in place of the tenth day of September, as provided by the seventh section of the Valuation of Lands (Scotland) Amendment Act, 1867, there shall be substituted the tenth day of April as the day on or before which all appeals or complaints against any entry in the valuation roll by such railway, canal, or other company; or by any parish, county, or burgh shall be lodged; and all such appeals or complaints against, and objections to, any such valuation shall be heard and determined and any deliverance pronounced on or before the fifteenth day of May following.

30 & 31 Vict. c. 80.

Requisition for separate valuations to be made by 1st November annually.

30 & 31 Vict. c. 80.
50 & 51 Vict. c. 51.

4. In place of the first day of April, provided by the fifth section of the Valuation of Lands (Scotland) Amendment Act, 1867, and the second section of the Valuation of Lands (Scotland) Amendment Act, 1887, there shall be substituted the first day of November in each year, as the day on or before which the town clerk or clerk of the commissioners or trustees of police of any burgh, town, or populous place, as defined by the said section, shall require the assessor of railways and canals to specify and assign the valuation of railways, canals, and other undertakings separately in the valuation roll, in so far as situated within the limits of any such burgh, town, or populous place.

Authentication of valuation roll by transmission assessor, and to persons interested.

5. The valuation roll to be made up annually by the assessor of railways and canals under the recited Acts and this Act shall, as soon as may be after the fifteenth day of May in each year, be authenticated by the signature of such assessor, and such valuation roll shall then be in force as the valuation roll of railway and canal and other companies for the year commencing at the term of Whitsunday, being the said fifteenth of May, and the said assessor shall thereupon transmit to each county, burgh, town, or

populous place, certified copies thereof, as provided in the said recited Acts.

This Act not to affect dates for exacting payment of assessments from railway and other companies.

6. Nothing in this Act contained shall alter or affect the dates on which payment may be demanded or exacted, of any assessment, rate, or tax chargeable upon or according to the valuation appearing in the valuation roll of railways, canals, and other undertakings, and such assessment, rate, or tax shall, notwithstanding the earlier completion of such valuation roll, as by this Act provided, be demanded or exacted in respect of such undertakings only when demanded or exacted in respect of other lands and heritages, and not earlier than it could be demanded or exacted if the said valuation roll of railways, canals, and other undertakings were completed at the same date as the valuation roll of all other lands and heritages.

Extension of meaning of word company.

7. For the purposes of the valuation roll to be made up by the assessor of railways and canals for the year ending Whitsunday one thousand eight hundred and ninety-five and subsequent years, the provisions of sections twenty to twenty-nine inclusive of the Act seventeen and eighteen Victoria, chapter ninety-one, and of any Act amending the same and of this Act, shall extend to and include such railways, tramways, canals, water works, gas works, and other undertakings belonging to, or leased or occupied by, any corporation, burgh commissioners, trustees, or local authority as are referred to in the said sections, and the words companies and company occurring therein shall be read accordingly.

Partial repeal of recited Acts.

8. The recited Acts, and all other laws, statutes, and usages, shall be, and the same are hereby repealed, in so far as necessary to give effect to the provisions of this Act, but in all other respects they shall remain in full force and effect.

Valuation of Lands (Scotland) Acts Amendment. [H.L.]

A

B I L L

INTITULED

An Act to amend the Valuation of Lands (Scotland) Acts in regard to the duties of the Assessor of Railways and Canals.

(*Brought from the Lords* 27 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 1 *August* 1894.

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[*Price* ½*d.*]

[Bill 345.]

Vehicles Lights Bill.

MEMORANDUM.

The object of this Bill is to require all vehicles on highways not lighted by gas, electricity, or other means, to carry lights during darkness. Bicycles and tricycles in England, Wales, and Scotland are excluded from the operation of the Bill, as they are dealt with in section eighty-five of the Local Government (England and Wales) Act, 1888, and section fifty-eight of the Local Government (Scotland) Act, 1889. Bicycles and tricycles in Ireland are not at present required to carry lamps, and they are therefore included in this Bill.

A

B I L L

TO

Regulate the use of Lights on Conveyances after dark. A.D. 1894

WHEREAS many accidents on highways are caused by vehicles which are not properly lighted at night, and it is expedient that lamps should be carried by such vehicles:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Local Government (Lamps on Vehicles) Act, 1894.

Exemption of vehicles carrying agricultural produce, &c., and of metropolitan stage carriages and hackney carriages.

2. Nothing in this Act contained shall require any lamp to be carried by any vehicle constructed without springs, which shall be driven or be upon any highway, and shall carry only manure or lime for the improvement of land, or timber, or hay, straw, fodder, corn, or other agricultural produce, unless such vehicle shall proceed at a pace exceeding four miles an hour; nor shall anything in this Act contained apply to any stage carriage or hackney carriage plying for hire within the Metropolitan Police District or the City of London or the liberties thereof, or to the owner, driver, or conductor of such carriage, or to any Act, byelaw, regulation, or order relating to such stage carriages or hackney carriages.

Definition of vehicle.

3. In this Act the term "vehicle" includes any waggon, van, cart, carriage, chaise, cab, omnibus, char-a-banc, waggonette, brake, hearse, stage-coach, tramcar, or other similar conveyance, but does not include any locomotive to which section three of the Locomotives Act, 1865, applies, nor any bicycle, tricycle, velocipede, or other similar machine.

Vehicles to carry lamps at night.

4. Every vehicle which shall be driven or be upon any highway not lighted by gas, electricity, or other means of lighting during the period between *one hour after sunset* and *one hour before sunrise*

A.D. 1894.

shall be provided with a lamp or lamps, which shall be so constructed and placed as to exhibit a light in the direction in which the vehicle proceeds, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the vehicle.

Penalty on owner of vehicle.

5. The owner of any vehicle who shall cause or suffer the same to be driven or to be upon any highway not lighted as aforesaid, without being provided with a lamp or lamps in accordance with this Act, shall be liable to a penalty not exceeding *forty shillings*.

Penalty on driver of vehicle.

6. The driver or other person in charge of any vehicle provided with a lamp or lamps in accordance with this Act who shall drive such vehicle or cause or suffer the same to be driven or to be upon any highway not lighted as aforesaid, shall, if such lamp or lamps be not duly placed, lighted and kept lighted in the manner and during the period by this Act required, be liable to a penalty not exceeding *forty shillings*.

Bicycles, &c., to carry lamps at night in Ireland.

7. In Ireland during the period between *one hour after sunset* and *one hour before sunrise*, every person riding or being upon any bicycle, tricycle, velocipede, or other similar machine in any highway, shall carry attached to the machine a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the machine.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding *forty shillings*.

Recovery of penalties.

8. Penalties under this Act may be recovered by any person in the manner provided by the Summary Jurisdiction Acts.

Repeal.

9. Save as herein otherwise provided, all provisions of any public or private Acts, in so far as they require lamps to be carried by vehicles, or, in Ireland, by bicycles, tricycles, velocipedes, or other similar machines, or give power to any county or local authority to make byelaws requiring lamps to be so carried, and all byelaws made by any county or local authority, in so far as they may require lamps to be so carried, are hereby repealed.

Vehicles Lights.

A

B I L L

To regulate the use of Lights on Conveyances after dark.

(*Prepared and brought in by*
Mr. Webster, Mr. Macdona, Mr. Seton-Karr,
Mr. Charles McLaren, Mr. Grice Hutchinson,
Mr. Graham, Mr. Bowen Rowlands,
Mr. Griffith Boscawen, and Mr. Banbury.)

Ordered, by The House of Commons, *to be Printed,*
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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 80.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bishop's Waltham Water, Blandford Water, East Surrey Water, Tilehurst, Pangbourne, and District Water, and West Cheshire Water. A.D. 1894.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Water Orders Confirmation Act, 1894. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in Special provisions

A.D. 1894.

as to labouring class.

any city, borough, or urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of such persons who may be residing with them.

SCHEDULE OF ORDERS.

BISHOP'S WALTHAM WATER.—Order empowering the Bishop's Waltham Waterworks Company, Limited, to maintain and continue waterworks and to supply water in the parish of Bishop's Waltham, in the county of Southampton.

BLANDFORD WATER.—Order empowering the Blandford Waterworks Company, Limited, to construct and maintain waterworks and to supply water in the parishes of Blandford Forum, Bryanston, Blandford Saint Mary, Langton-Long-Blandford, Pimperne, Charlton Marshall, and Spetisbury, all in the county of Dorset.

EAST SURREY WATER.—Order empowering the East Surrey Water Company to purchase additional lands by agreement and to raise additional capital.

TILEHURST, PANGBOURNE, AND DISTRICT WATER.—Order empowering the Tilehurst, Pangbourne, and District Water Company, Limited, to construct and maintain waterworks and to supply water in the parishes of Sulham and Purley, and parts of the parishes of Tilehurst, Pangbourne, Tidmarsh, Whitchurch, and Englefield, all in the county of Berks.

WEST CHESHIRE WATER.—Order extending the limits of supply of the West Cheshire Water Company.

BISHOP'S WALTHAM.

A.D. 1894.

Bishop's Waltham.

Order empowering the Bishop's Waltham Waterworks Company Limited to maintain and continue Waterworks and to supply Water in the Parish of Bishop's Waltham in the county of Southampton.

Short title.

1. This Order may be cited as the Bishop's Waltham Water Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Bishop's Waltham in the county of Southampton.

Where Undertakers not furnishing sufficient supply local authority or Company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

A.D. 1894.

Bishop's Waltham.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

Undertakers.

7. The Bishop's Waltham Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed ten thousand pounds consisting of the share capital already raised or authorised to be raised by the Undertakers amounting to six thousand pounds (in this Order referred to as the "original capital") and of additional share capital (in this Order referred to as the "additional capital") to be issued subject to the provisions of this Order not exceeding four thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

9. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

10. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

11. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given of sale of shares.

12. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

13. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such shares and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares.

14. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

15. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of so much of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such original capital or of so much of such additional capital as may be issued as preference capital.

Dividend on different classes of ordinary shares to be paid proportionately.

16. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

A.D. 1894.

Bishop's Waltham.

Borrowing powers.

17. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

18. The Undertakers may by agreement from time to time purchase take on lease acquire and use any lands and any easements rights or privileges not being an easement right or privilege to take water in which persons other than the parties to the agreement have an interest in over or affecting any lands which they may require for the purposes of the undertaking Provided that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them at the commencement of this Order.

Persons under disability may grant easements &c. to Undertakers.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

Power to maintain existing works and to supply water.

20. The Undertakers on the lands upon which the same are situate so long as they are possessed of the said lands may maintain and continue and from time to time alter enlarge renew and improve their existing waterworks herein-after described and the works connected therewith with all necessary wells conduits mains pipes sluices pumps engines engine houses machinery tanks valves apparatus and works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works herein-before referred to are situate wholly in the parish of Bishop's Waltham in the county of Southampton and are as follows:—

(*a*) An engine house and well with pumps and other works and conveniences situate in a chalk pit immediately to the westward of Northbrook Farm all in the said parish of Bishop's Waltham aforesaid.

(*b*) A service reservoir situate in a field immediately to the northward and at a distance of three hundred yards or thereabouts from Vernon Hill House in the said parish of Bishop's Waltham.

(*c*) A conduit or line of pipes commencing within the above-mentioned engine house and extending for a distance of one thousand yards or thereabouts and terminating in the reservoir above described in the said parish of Bishop's Waltham.

A.D. 1894.

Bishop's Waltham.

For protection of county bridges.

21. No works at any time affecting any bridge belonging to or under the control of the Hampshire County Council shall be placed or constructed by the Undertakers except in accordance with plans previously submitted to and approved by the said council and signed by the surveyor of the said county.

For protection of London and South Western Railway Company.

22. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Undertakers apply and have effect:—

(*a*) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railway of the South Western Company or any bridge over or under such railway or any approaches to any such bridge liable to be maintained by the South Western Company or within the South Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence;

(*b*) If any injury or damage to the railway works or property of the South Western Company or any interruption of the South Western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make full compensation to the South Western Company in respect thereof;

(*c*) All mains pipes conduits and other works of the Undertakers upon across over under or in any way affecting the said railway or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Under-

A.D. 1894.

Bishop's Waltham.

takers to forthwith put into good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Undertakers;

(*d*) The Undertakers shall bear and on demand pay to the South Western Company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the South Western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractor's agents or workmen;

(*e*) The South Western Company may at any time or times hereafter upon giving to the Undertakers seven days notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers divert or alter the level of any main pipe or conduit of the Undertakers within the South Western Company's boundary so as to admit of any repairs alterations or extensions of their railway or works which they may think necessary without being liable to pay compensation in respect thereof;

(*f*) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the cost of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

As to differences with railway or other companies.

23. If any difference arise between the Undertakers and any railway canal or other company or person other than the London and South Western Railway Company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Supply.

Bishop's Waltham.

Limits of pressure.

24. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir tank or works authorised to be maintained by this Order.

Rates for supply of water for domestic purposes.

25. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence.

Where such rateable value exceeds five pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value.

Where such rateable value exceeds twenty pounds the rate of seven pounds per centum upon such rateable value.

And so in proportion for any shorter period in each case.

Provided that the Undertakers shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale.

Provided also that at any time after the expiration of six years from the commencement of this Order the Board of Trade may if they think fit (after hearing the parties) upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing signed by a secretary or an assistant secretary of the said Board alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for watercloseets, &c.

26. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not

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more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more that fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Power for Undertakers to make regulations for preventing waste misuse and contamination of water.

27. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply. The said provisions are as follows:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means

contrivance or receptacle fittings or appliances belonging to or used by such persons and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Supply of water by agreement.

28. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

29. The Undertakers may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meter &c. in repair.

30. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their doing so such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

31. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and

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sought to be recovered by the Undertakers Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

32. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or of the agent of such "owner" were omitted therefrom Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Where several houses supplied by one pipe each to pay.

33. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

34. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other such tenement unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

35. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract

previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Misuser where supply to several houses is by a pipe common to all.

36. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable to pay arrears.

37. In case any person supplied with water by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several sums in one summons.

38. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

39. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices &c. from acting.

40. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140 incorporated.

41. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

42. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

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BLANDFORD.

Order authorising the Blandford Waterworks Company Limited to construct and maintain Waterworks and to supply Water in the parishes of Blandford Forum Bryanston Blandford Saint Mary Langton-Long-Blandford Pimperne Charlton Marshall and Spetisbury all in the County of Dorset.

Short title.

1. This Order may be cited as the Blandford Water Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in the Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order.

Interpretation.

4. In this Order the expressions "deposited plan" and "deposited sections" shall mean respectively the plan and sections deposited for the purposes of this Order with the clerk of the peace for the county of Dorset the expression "the undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained the expression "the Corporation" shall mean the mayor aldermen and burgesses of the borough of Blandford Forum and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings Provided that the expression "local authority" shall mean urban sanitary authority or rural sanitary authority and that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Blandford Forum Bryanston Blandford Saint Mary Langton-Long-Blandford Pimperne Charlton Marshall and Spetisbury all in the county of Dorset.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply such loca authority may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any

company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company or person authorised by this Order to supply water therein. A.D. 1894. *Blandford.*

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

Undertakers.

7. The Blandford Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Purchase of undertaking by Corporation of Blandford Forum.

8.—(1.) The Corporation may at any time within three years after the Undertakers shall commence to supply water under this Order by twelve months notice in writing require them to sell and thereupon the Undertakers shall sell and the Corporation shall purchase the undertaking subject to all mortgage and other debts and liabilities of the Undertakers upon the terms of the Corporation paying to the Undertakers a sum calculated at the rate of one hundred and fifteen pounds for every one hundred pounds of the amount expended by the Undertakers upon the undertaking and chargeable to capital account except so much of such amount as shall have been raised by mortgage or charge subsisting at the time of the purchase.

(2.) The Corporation may at any time after the expiration of the three years mentioned in the last preceding sub-section by twelve months notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell and the Corporation shall purchase the undertaking subject to all mortgage and other debts and liabilities of the Undertakers upon the terms of the Corporation paying to the Undertakers a sum calculated at the rate of one hundred and twenty pounds for every one hundred pounds of the paid-up capital of the Undertakers including any premiums paid on the issue of any shares or stock.

(3.) Any difference as to the amount to be paid by the Corporation to the Undertakers under the provisions of this section shall be referred to arbitration and the provisions of sections one hundred and seventy-nine and one hundred and eighty of the Public Health Act 1875 shall as nearly as may be apply thereto as though such difference were by that Act authorised or directed to be settled by arbitration Provided that unless both parties concur in the appointment of a single arbitrator they shall before the arbitrators enter upon the reference make application to the Board of Trade to nominate an engineer or other fit person as umpire and the expenses of the reference shall be borne and paid as the umpire directs.

(4.) The Board of Trade may determine any other question which may arise in relation to such purchase and may fix the date from which such purchase is to take effect and from and after the date so fixed or such other date as may be agreed upon between the parties all lands buildings works materials plant effects and property and all rights powers and privileges of the Undertakers (except powers of raising or borrowing money) shall be by deed duly stamped

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assigned to and shall vest in and be exerciseable and enjoyed by the Corporation subject to the obligation to supply water within the limits of supply as well outside the district of the corporation as inside the said district and to all other obligations of the undertakers in regard to the supply of water and all the expenses in connexion with such assignment shall be paid by the Corporation.

(5.) The purchase of the undertaking by the Corporation shall be deemed to be made under section fifty-one of the Public Health Act 1875 and the Corporation may for the purpose of such purchase exercise all the powers of borrowing which they possess under the said Act and all provisions for repayment of money formation of sinking fund and audit of accounts shall apply as if it were a case of expenditure by the Corporation under the said Act.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

(6.) If at any time after such purchase as aforesaid any sanitary authority whose district is beyond the district of the corporation, but within the limits of supply shall give not less than six months' notice in writing to the corporation of their desire to purchase such portion of the waterworks and plant of the corporation as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or to the Local Government Board for power to purchase such portion of the waterworks and plant of the corporation (except the works authorised by the section of this Order the marginal note whereof is "Power to construct waterworks and supply water" and except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the corporation for the supply of water) and to supply water within such district then it shall not be lawful for the corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the corporation shall sell and such sanitary authority shall purchase the portion of the waterworks and plant of the corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Provided that after the completion of such purchase all obligations on the part of the corporation to supply water within such district shall cease and determine.

Capital.

Capital.

9. The share capital of the Undertakers for the purposes of the undertaking shall not exceed ten thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of borrowing powers.

10. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole two thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

11. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plan as they may require for the purposes of the undertaking and they may by agreement from time to time purchase take on lease acquire and use any easements rights or privileges (not being an easement or right to take water in which any persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes and they may by agreement and with the consent in writing of the Board of Trade from time to time purchase or take on lease acquire and use any other lands which they may require for such purposes Provided that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land in the whole Provided also that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

Persons under disability may grant easements &c. to Undertakers.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which any persons other than the parties to the agreement have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights and privileges as aforesaid respectively.

Construction of Waterworks.

Power to construct waterworks and supply water.

13. The Undertakers may on the lands shown on the deposited plan so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plan and deposited sections the works herein-after described with all necessary adits pipes mains culverts wells drains sluices engines filtering-beds approaches embankments roads and all other works and conveniences connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the county of Dorset and are:—

(1.) A well and pumping station to be situate upon a piece of land belonging or reputed to belong to Thomas D'Oyly Snow and in the occupation of James Roseveare in the parish of Langton-Long-Blandford forming part of the field numbered 68 on the $\frac{1}{2500}$ Ordnance map of that parish.

(2.) A conduit or rising main commencing at the said well and pumping station and terminating at the reservoir next herein-after described.

(3.) A reservoir to be situate upon a piece of land belonging or reputed to belong to the said Thomas D'Oyly Snow and in the occupation of the said James Roseveare in the parish of Langton-Long-Blandford forming part of the field numbered 71 on the said Ordnance map.

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(4.) A conduit or supply main commencing at the said reservoir and terminating in the parish of Pimperne in the road leading from Blandford to Salisbury at a point situate about six hundred and sixty feet measured in a south-westerly direction from Letton Lodge in that road.

Limits of deviation.

14. In constructing the works authorised to be constructed by this Order the Undertakers may deviate from the lines thereof to any extent within the limits of deviation shown on the deposited plan but in no case beyond the width of any road shown on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided that they shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of the reservoir hereby authorised of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided further that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections.

As to completion &c. of works.

15. The works authorised to be constructed by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act 1870 provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

For protection of London and South Western and Midland Railway Companies.

16. For the protection of the London and South Western Railway Company and the Midland Railway Company (in this section referred to as "the railway companies") the following provisions shall unless otherwise agreed between the railway companies and the Undertakers apply and have effect:—

(1.) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the Somerset and Dorset Railway or any railway now or hereafter belonging or leased to the railway companies or any bridge over or under such railway or any approaches to any such bridge liable to be maintained by the railway companies the same shall (except in case of urgent necessity of which immediate notice shall be given to the railway companies by the Undertakers or their engineer) be done under the superintendence and to the reasonable satisfaction of the engineer of the railway companies and according to such plans sections and specifications (when required by such engineer) and at such times as shall be previously submitted to and as shall be reasonably approved by him or in case of difference by the arbitrator to be appointed as herein-after provided and shall be executed by and at the expense in all things of the Undertakers and so as to cause as little injury as possible to the said railways or to any such bridge or the approaches thereto Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days or of the said times within three days after the same have been submitted to him he shall be deemed to have approved thereof

and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence.

(2.) If any injury or damage to the said railway or to the works or property of the railway companies or any interruption of the railway companies traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make compensation to the railway companies in respect thereof.

(3.) All mains pipes conduits and other works of the Undertakers upon across over under or in any way affecting the said railways or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the railway companies may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway companies may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the railway companies may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Undertakers.

(4.) The Undertakers shall bear and on demand pay to the railway companies all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the railway companies shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents or workmen.

(5.) The railway companies may at any time or times hereafter upon giving to the Undertakers seven days notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers divert or alter the level of any main pipe or conduit of the Undertakers within the railway companies boundary so as to admit of any repairs alterations or extensions of their railway or works which they may think necessary without being liable to pay compensation in respect thereof Provided that the railway companies shall interfere

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as little as possible with the due flow of water through the said main pipe or conduit.

(6.) Any difference which may arise between the railway companies and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

Differences with railway or other companies.

17. If any difference arise between the Undertakers and any railway or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of pressure.

18. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir authorised to be constructed by this Order.

Rates for supply of water for domestic purposes.

19. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified that is to say:—

Where the rateable value of the premises so supplied with water does not exceed eight pounds ten shillings the sum of eight shillings and eightpence.

Where such rateable value exceeds eight pounds ten shillings the rate of seven pounds per centum upon such rateable value.

And so in proportion for any shorter period in each case.

Provided that the Undertakers shall not be compellable to furnish any such supply for any less sum than eight shillings and eightpence in any one year.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

Rates for watercloseets and baths.

20. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for

every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Power for Undertakers to make regulations for preventing waste misuse and contamination of water.

21. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulation shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on the payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacles fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such

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regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Undertakers to supply water to Corporation of Blandford Forum.

22. For the period of one year after the Undertakers shall commence to supply water under this Order they shall supply the Corporation with such reasonable quantity of water as they may require for the purposes of watering streets and of flushing sewers at the sum of seventy-five pounds Any difference under this section shall be referred to arbitration in the manner provided by subsection (3) of the section of this Order with the marginal note "Purchase of undertaking by Corporation of Blandford Forum."

Supply of water by agreement.

23. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters &c. in repair.

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for corrrectly registering the supply of water and in default of their doing so such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test

inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

26. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

27. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words " with the consent in writing of " the owner or reputed owner of any such house or of the agent of such owner " were omitted therefrom Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Where several houses supplied by one pipe each to pay.

28. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

29. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

30. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of

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water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Misuser where supply to several houses is by a pipe common to all.

31. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable for arrears of former tenant.

32. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several sums in one summons.

33. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

34. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices &c. from acting.

35. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140. incorporated.

36. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

37. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

EAST SURREY.

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East Surrey.

Order empowering the East Surrey Water Company to Purchase additional Lands by Agreement and to raise additional Capital.

Short title.

1. This Order may be cited as the East Surrey Water Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested.

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the Lands Clauses Acts except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

4. The East Surrey Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Purchase of land by agreement.

5. The Undertakers may (in addition to any lands which they are otherwise authorised to acquire or hold) by agreement from time to time take purchase and hold for the general purposes of their undertaking any lands not exceeding in the whole five acres in extent and any term interest or easement (not being an easement of water) in over or under any such lands Provided that the Undertakers shall not on any such lands create or permit any nuisance or erect or authorise the erection on any such lands of any buildings except such as are required for the purposes of or in connexion with their undertaking.

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Power to hold and dispose of lands.

6. The Undertakers may hold such lands as for the time being are vested in them which they may deem necessary for the purposes of protecting their waterworks or water supply against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Consolidation Act 1845 respectively and the Undertakers may from time to time sell lease or exchange such lands to such persons as they may think fit and in any such sale lease or exchange the Undertakers may reserve to themselves all or any water or water rights or other easements in relation thereto and make such sale lease or exchange subject to such conditions restrictions and provisions with respect to the carrying on of noxious trades discharge or deposit of sewage and other like matters as the Undertakers think fit Provided always that no building shall be erected on any such lands whilst so held by the Undertakers other than buildings necessary for or connected with the waterworks.

Additional capital.

7. In addition to the capital already authorised to be raised by the Undertakers they may from time to time :—

(1.) Raise any further sums not exceeding in the whole eighty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the further capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or any stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of eighty thousand pounds.

(2.) Borrow on mortgage in respect of the further capital of eighty thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such further capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the further capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any

part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

9. Except as by this Order otherwise provided the further capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that further capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital and the further capital shall form part of the capital of the Undertakers.

New shares or stock to be offered by auction or tender.

10. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared purchaser.

11. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Purchase money of capital sold by auction to be paid within three months.

12. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale of shares and stocks.

13. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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Shares or stock not sold by auction or by tender to be offered to shareholders.

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

15. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on further capital.

16. The Undertakers shall not in any year make out of their profits any larger dividends on the further capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum.

Ranking of different classes of ordinary capital for dividend if profits insufficient to pay in full the prescribed dividend on all.

17. If in any one year the net revenues of the Undertakers applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary stock or shares in the capital of the Undertakers such revenues shall be applied in the first place in payment of dividend on all ordinary capital of the Undertakers up to the rate of seven pounds per centum in respect of every sum actually paid up of such capital and the balance in payment of dividend upon all ordinary capital of the Undertakers actually paid up and entitled to a higher rate of dividend than seven pounds per centum.

Dividends on new shares or stock.

18. Subject to the provisions of this Order every person who becomes entitled to shares or stock created under the powers of this Order shall in respect of the same be a holder of shares or stock in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of debenture stock and preferential shares or stock.

19. No person shall be entitled to vote in respect of any debenture stock created under this Order nor (except as otherwise expressly provided by the resolution creating the same) in respect of any shares or stock so created to which a preferential dividend shall be assigned.

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Receipt clause in case of persons not sui juris.

20. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be sufficient discharge to the Undertakers.

Powers to create debenture stock.

21. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank pari passu without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all such mortgages and certificates of debenture stock.

Existing mortgages to have priority.

22. All mortgages granted by the Undertakers under the authority of any Act or Order before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limit of interest on moneys borrowed.

23. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

For appointment of receiver.

24. Section nineteen of the Act of 1885 (for appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Application of moneys.

25. All moneys raised under this Order shall be applied to the purposes of the undertaking of the Undertakers to which capital is properly applicable.

Costs of Order.

26. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

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TILEHURST PANGBOURNE AND DISTRICT.

Tilehurst, Pangbourne, and District.

Order empowering the Tilehurst Pangbourne and District Water Company Limited to construct and maintain Waterworks and to supply Water in the Parishes of Sulham and Purley and parts of the Parishes of Tilehurst Pangbourne Tidmarsh Whitchurch and Englefield all in the County of Berks.

Short title.

1. This Order may be cited as the Tilehurst Pangbourne and District Water Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order.

Interpretation.

4. In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Sulham and Purley and so much of the parishes of Tilehurst Pangbourne Tidmarsh Whitchurch and Englefield all in the county of Berks as is situated within and bounded by an imaginary line drawn from and commencing on the south bank of the River Thames at a point 5·3 chains or thereabouts measured in a westerly direction along the said bank from the west side of Scour Lane thence in a southerly direction along the outside or west side of a circle of which the radius is two miles measured in an horizontal plane from the centre of the tower of Saint Mary's Church in the borough of Reading to the point where such circle crosses the boundary of the parish of Tilehurst at a distance from the centre of the road from Reading to Newbury of 7·8 chains or thereabouts measured along the boundary line of the said parish of Tilehurst thence in a south-westerly and southerly direction along the boundary line of the said parish of Tilehurst to the point where the said boundary line intersects the north fence of the Newbury and Hungerford Branch Railway of the Great Western Railway Company thence in a westerly direction along the said north fence where situate within the said parish of

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Tilehurst and where not so situate then along the southern boundary of the said parish to the point where the said fence intersects the south-west side of the road leading from the Reading and Newbury Road to the Fishery thence in a north-westerly direction along the south-west side of the said road leading to the Fishery thence across and at right angles to the said road leading from Reading to Newbury to the northernmost side thereof thence in a north-easterly direction along the northernmost side of the last-mentioned road to its junction with the west side of the nearest direct road leading through Tidmarsh to Pangbourne thence in a northerly direction along the west side of the last-mentioned road through Tidmarsh to the point where it joins the south side of the road leading to Bradfield at Courtlands thence in a westerly direction to a point 30·2 chains or thereabouts along the south side of the last-mentioned road thence straight across the last-mentioned road to the nearest point of and along the line of fence which runs in a north-westerly direction to the south side of the road from Pangbourne to Upper Basildon at a point distant from the tower of Saint James' Church Pangbourne aforesaid of 41·4 chains or thereabouts thence across that road in a north-westerly and northerly direction to the nearest point of and along the line of fence which runs in a northerly direction to the south-east corner of the field in which is situated the Northridge Bottom plantation thence in a north-easterly direction along the line of the south-east fence of the said field to the southernmost fence of the Great Western Railway thence in the same direction to the boundary of the parish of Pangbourne on the south bank of the River Thames at a point distant 12·4 chains or thereabouts measured in a south-easterly direction along the said bank from the point where the north-west boundary of the said parish of Pangbourne joins the boundary of the same parish on the south bank of the River Thames thence in an easterly direction along the south bank of the River Thames until it meets the point of commencement firstly herein-before described.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

Undertakers.

7. The Tilehurst Pangbourne and District Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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Capital.

Capital.

8. The share capital of the Undertakers shall not for the purposes of the undertaking exceed sixteen thousand pounds unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

10. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking and they may also by agreement from time to time purchase or take on lease and use any additional lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than ten acres of land in the whole in addition to the lands shown on the said plans.

Persons under disability may grant easements &c. to Undertakers.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks and supply water.

12. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the same or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary approaches fences excavations embankments buildings tanks sluices culverts pipes mains wells dams channels borings adits levels weirs pumps drains filters filter beds engines and all other works and conveniences connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the parish of Tilehurst in the county of Berks and are—

(1.) A well or wells and pumping station works to be situate in the pieces or parcels of ground bounded on the west by the road or highway known

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as Kentwood Hill on the north by the road or highway known as Gipsy Lane and known as Kentwood Hill and Kew Kilns Brickfield;

(2.) A service reservoir to be situate in the aforesaid pieces or parcels of ground known as Kentwood Hill and Kew Kilns Brickfield;

(3.) A main conduit or line of pipes (No. 1) commencing at the said pumping station works and terminating at or near the south-western corner of the said service reservoir;

(4.) A main conduit or line of pipes (No. 2) commencing on the western side of the said service reservoir running thence in a north-westerly direction for a distance of 150 yards or thereabouts to and terminating in the said road or highway known as Kentwood Hill.

Limits of deviation.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans and which for the time being belong to or are leased or have been acquired by them under the provisions of this Order deviate beyond such limits laterally and vertically to such further extent as they may think necessary and the Board of Trade may in writing approve Provided also that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless so shown on the deposited sections.

Period for completion of works.

14. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

Power to take water.

15. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking take collect and impound in or by means of the works by this Order authorised to be made and maintained respectively the waters of any springs or streams which may be in on or under any lands for the time being belonging to the Undertakers or over which they may acquire any rights or easements under the provisions of this Order Provided that nothing in this Order shall authorise the Undertakers to take collect or impound water from the River Kennet or the Holy Brook or any tributary thereof respectively.

For the protection of the conservators of the River Thames.

16. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the River Thames without the consent in writing of the Conservators.

For protection of Great Western Railway Company.

17.—(1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Great

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Western Railway shall so far as they may affect such railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company (hereinafter referred to as the Great Western Company) and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3) The Undertakers shall at all times keep the Great Western Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4) The Undertakers shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company or any lands belonging to that company as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the Great Western Company for the easement (except in the case of public roads) such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof.

(5) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

As to pipes crossing the works of a railway or other company

18. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands

for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of pressure.

19. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir authorised by this Order.

Rates for supply for domestic purposes.

20. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence;

Where such rateable value exceeds five pounds and does not exceed ten pounds the rate of eight pounds per centum upon such rateable value;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds per centum upon such rateable value;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of six pounds ten shillings per centum upon such rateable value;

Where such rateable value exceeds sixty pounds the rate of six pounds per centum upon such rateable value;

And so in proportion for any shorter period than a year:

Provided that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year nor for a less period than twelve months and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale:

Provided also that at any time after the expiration of ten years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing signed by a secretary or an assistant secretary of the said Board after hearing the parties alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

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A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be primâ facie evidence of the due making and validity of the same and of the contents thereof.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues:

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for waterclosets and baths.

21. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Regulations for preventing waste &c. of water.

22. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of

supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Supply of water by agreement.

23. The Undertakers may from time to time by agreement supply any local urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within

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the meaning of section fifty-two of the Public Health Act 1875 or any similar provision.

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Supply of water by measure.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters &c. in repair.

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues The Und rtakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

26. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

27. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or of the agent of such "owner" were omitted therefrom Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Where several houses supplied by one pipe each to pay.

28. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

29. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

30. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring

water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Misuser where supply to several houses is by a pipe common to all.

31. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable to pay arrears of former tenant.

32. In case any person supplied with water by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several sums in one summons.

33. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

34. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

35. No justice or judge of any quarter sessions or county court shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

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8 Vict. c. 16. s. 140. incorporated.

36. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

For the protection of the Corporation of Reading.

37. Nothing in this Order shall take away prejudice or affect the powers (if any) which the mayor aldermen and burgesses of the borough of Reading (in this section called the Corporation) had immediately before the date of this Order under the Reading Local Board Waterworks Act 1868 or any other local Act relating to their water undertaking or under the Public Health Acts to construct and maintain a storage reservoir within the said parish of Tilehurst or to lay down and maintain mains and pipes for connecting the same with the waterworks of the Corporation but nothing herein contained shall authorise the Corporation to supply water within the water limits of the Undertakers or to interfere with any of the works mains or pipes of the Undertakers except with the consent in writing of the Undertakers.

Costs of Order.

38. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

West Cheshire.

WEST CHESHIRE.

Order extending the limits of supply of the West Cheshire Water Company.

Short title.

1. This Order may be cited as the West Cheshire Water Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction of Order.

3. The West Cheshire Water Act 1884 (in this Order referred to as "the Act of 1884") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

4. The West Cheshire Water Company incorporated by the Act of 1884 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of limits of supply.

5. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the townships of Shotwick Capenhurst Great Saughall Little Saughall and Woodbank in the parish of Shotwick the townships of Stoke Great Stanney and Little Stanney in the parish of Stoke and the portion of the township of Whitby situate in the parish of Stoke the township or place of Stanlow all in the county of Chester all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations as they now have and are subject to within the limits of the Act of 1884 as defined by section four of that Act and the expression "limits of this Act" in the Act of 1884 (in this Order referred to as the

"limits of supply") shall from and after the commencement of this Order be deemed to include the said new limits Provided that the provisions of section four of the Act of 1884 from the words "provided that" to the end of the section shall not apply to the said new limits.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority within the new limits defined by this Order the local authority of such part of the said district may provide a supply in the whole or any part of their district within the new limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Water supply by agreement.

7. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of the Act of 1884 and this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act 1875 or any similar provision.

Power for the company to take water in bulk by agreement.

8. The Undertakers may from time to time for the purposes of their undertaking enter into and carry into effect any contract with the mayor aldermen and citizens of the city of Liverpool for a supply of water in bulk.

For protection of the Shropshire Union Railways and Canal Company.

9. The following provisions for the protection of the Shropshire Union Railways and Canal Company (in this section called the canal company) shall have full force and effect within the new limits defined by this Order and be binding upon the Undertakers and their assigns.

(1.) Notwithstanding anything contained in this Order or in the Acts incorporated herewith the Undertakers shall not without the previous consent in writing of the canal company lay or maintain any mains pipes

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or other works upon across under along or in any way affecting the Shropshire Union Canal or the towing-path thereof or any other property now or hereafter belonging to or used or occupied by the canal company otherwise than by means of the public bridges across the same and in such manner that such mains pipes and works shall be laid inside the parapets of such bridges and that no injury to or interference with the permanent structure brickwork or retaining walls of any such bridges or the approaches thereto or the canal or towing-path or other works of the company and no interruption of the traffic on the said canal or towing-path shall be occasioned.

(2.) Whenever and so often as the canal company require to remove alter renew repair or support any bridge across over or along which any mains pipes or works of the Undertakers are laid they shall be at liberty to do so in the same manner as they might have done if this Order had not been made and confirmed and such mains pipes and works had not been laid but except in cases of emergency they shall give the Undertakers one month's previous notice before commencing the work In the event of any such removal alteration renewal repair or support the Undertakers shall in cases of emergency forthwith and in other cases on receiving one month's previous notice in writing when and so often as required by the canal company so to do and at their own expense alter the position of their mains pipes and works and relay the same in the same manner and subject to the same restrictions as in the case of the original bridge.

(3.) All works of the Undertakers in relation to the laying down maintaining altering repairing or relaying of any mains pipes or other works across over or along any such bridges as aforesaid shall be executed except in cases of emergency arising from defects in any of the pipes or other works under the superintendence if the same be given and to the reasonable satisfaction of the engineer of the canal company and only in accordance with plans to be submitted to and in such manner as shall be previously reasonably approved by him (or in case of difference by the engineer to be appointed in manner herein-after provided) and in all things by and at the expense of the Undertakers who shall also make good and repair the roads over any such bridges and the approaches thereto which the canal company are or may be liable to maintain or repair and which may be disturbed or interfered with by or owing to any operations of the Undertakers Provided that if the said engineer of the canal company shall not within fourteen days after plans shall have been submitted to him as aforesaid express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Undertakers may forthwith proceed to perform the works specified without his superintendence.

(4.) If by reason of the construction maintenance renewal repair or reconstruction of any of the works authorised by this Order or by any Act incorporated herewith or by the bursting leakage failure or want of repair thereof or otherwise in connexion therewith any loss damage or injury shall be caused to the canal company or to their canal or towing-paths or other works or property or if any interruption shall be thereby occasioned

to the traffic passing to from or along the said canal the Undertakers shall make compensation in respect thereof to the canal company and the amount of such compensation shall be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

(5.) If any difference arise between the canal company and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

For the protection of the Cheshire County Council.

10. For the protection of the county council of the county of Chester (in this section called the council) the following provisions shall have effect unless otherwise agreed between the Undertakers and the council (that is to say):—

(1.) All works to be constructed or laid by the Undertakers in along or across or in any way affecting any main road county or hundred bridge or approach thereto under the control or management of or vested in the council shall be executed at the expense of the Undertakers and except in cases of emergency arising from defects in any of the pipes or other works under the superintendence if the same be given and to the reasonable satisfaction of the surveyor to the council in accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such work and the Undertakers shall in executing any such work conform to all the reasonable requirements of the said surveyor and shall pay to the council the reasonable expenses incurred by them in relation to such superintendence approval and requirement Provided that if the said surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Undertakers may forthwith proceed to execute the works specified without his superintendence and further that if he shall express his disapproval thereof such works shall in case of difference be constructed in accordance with plans and sections to be approved by the engineer appointed in manner herein-after provided.

(2.) The works shall be so executed so far as reasonably practicable as not in any way to impede or interfere with the traffic over or along any main road county or hundred bridge or any approaches thereto under the control or management of or vested in the council.

(3.) The Undertakers shall take all necessary steps at their own expense for protecting the public using such main road bridge or approach from injury and shall be liable for all damages or loss that may be incurred consequent upon their neglect or omission to provide such protection.

(4.) On completion of the work and on reinstatement to the reasonable satisfaction of the said surveyor of any such road or bridge (so far as affects the roadway over it) or approaches the Undertakers shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of keeping such road or bridge (so far as affects the roadway over it or

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West Cheshire.

approaches) in repair as provided by section thirty-two of that Act repay to the council all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section but if any difference arise with regard thereto the same shall be settled in manner herein-after provided.

(5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times on giving to the Undertakers one month's previous notice in writing to remove alter or renew any such county or hundred bridge or the approaches thereto in or over which any pipes or works of the Undertakers are carried in the same manner as they might have removed altered or renewed any such bridge or the approaches thereto if this Order had not been passed and such pipes had not been constructed or laid over such bridge without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such removal alteration or renewal and in the event of any such bridge or the approaches thereto in or over which the said pipes or works are laid being removed altered or renewed as aforesaid the Undertakers shall at their own expense on receiving one month's notice in writing from the council alter the position of such pipes or works as aforesaid and place the same to the reasonable satisfaction of the said surveyor.

(6.) If any difference arise between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

(7.) This section shall apply only to the district included within the new limits defined by this Order.

Differences with railway and other companies.

11. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of Order.

12. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Water Orders Confirmation.

[H.L.]

A

BILL

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bishop's Waltham Water, Blandford Water, East Surrey Water, Tilehurst, Pangbourne, and District Water, and West Cheshire Water.

(*Brought from the Lords* 15*th June* 1894.)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1894.

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[*Price 5d.*]

[Bill 283.]

A

B I L L

TO

Confirm a Provisional Order made by the Secretary for Scotland under the Public Health (Scotland) Act, 1867, relating to Wemyss, and Buckhaven Methil and Innerleven Water. A.D. 1894.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the Public Health (Scotland) Act, 1867 : 30 & 31 Vict. c. 101.

And whereas it is necessary that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

1. The Order set out in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Wemyss, and Buckhaven Methil and Innerleven Water Supply Confirmation Act, 1894. Short title.

A.D. 1894.

SCHEDULE.

WEMYSS, AND BUCKHAVEN METHIL AND INNERLEVEN WATER SUPPLY.

PUBLIC HEALTH (SCOTLAND) ACT, 1867 (30 & 31 VICT. c. 101.).

PROVISIONAL ORDER.

WHEREAS, by the Public Health (Scotland) Act, 1867 (herein-after called "the Act of 1867") (section 89), it is, inter alia, enacted as follows:—"With "respect to the improvement of burghs having a population of less than "ten thousand according to the census last taken, and not having a local "Act for police purposes, and with respect to parishes (exclusive of any "parts of such parishes as are situated within the district of any local "authority other than the parochial boards of such parishes) (1) The local "authority, if they think it expedient so to do, may acquire and provide or "arrange for a supply of water for the domestic use of the inhabitants, "and for that purpose may conduct water from any lake, river, or stream, "may dig wells, make and maintain reservoirs, may purchase, take upon "lease, hire, construct, lay down, and maintain such waterworks, pipes and "premises, and do and execute all such works, matters, and things as shall "be necessary and proper for the aforesaid purpose, and may themselves "furnish a supply of water, or contract or arrange with any other person "to furnish the same, and for the purposes aforesaid the local authority "shall be held to have all the powers and rights given to promoters "of undertakings by the Lands Clauses Acts: Provided always that "they shall make reasonable compensation for the water so taken by "them, and for the damage which may be done to any lands by reason of "the exercise of the powers hereby conferred in terms of the said Acts," and "(3) The local authority, if they have any surplus water after fully supplying "what is required for domestic purposes, may supply water from such surplus "to any public baths and wash-houses, or for trading or manufacturing "purposes, on such terms and conditions as may be agreed on between the "local authority and the persons desirous of being so supplied":

And whereas it is further provided by the Act of 1867 (section 90), that upon compliance with the provisions therein contained with respect to advertisements and notices, the local authority may present a petition to one of Her Majesty's Principal Secretaries of State, stating the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer

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to the notice, and praying that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (both herein-after called "the Land Clauses Acts"), with respect to the purchase and taking of land otherwise than by agreement, and that upon the receipt of such petition, and upon due proof of the proper advertisements having been published, and notices served, the Secretary of State may direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; and after the completion of such inquiry the Secretary of State may, by Provisional Order, empower the local authority to put in force, with reference to the land referred to in such Order, the powers of the Lands Clauses Acts, with respect to the purchase and taking of land otherwise than by agreement, or any of them:

And whereas the population of the burgh of Buckhaven, Methil, and Innerleven, in the county of Fife, is less than ten thousand according to the census last taken, and the said burgh has no local Act for police purposes:

And whereas on the twenty-ninth day of September, one thousand eight hundred and seventy, the parochial board of the parish of Wemyss, in the county of Fife, then the local authority of that parish, formed a portion of the said parish into a special water supply district under the Act of 1867 which district was called the special water supply district of East Wemyss;

And whereas, on the thirty-first day of August, one thousand eight hundred and eighty-five, the parochial board of the parish of Markinch, in the county of Fife, then the local authority of that parish, formed a portion of the then parish of Markinch into a special water supply district under the Act of 1867, and which district was called the special water supply district of Innerleven:

And whereas, by the Public Health (Scotland) Act, 1867, Amendment Act, 1882 (herein-after called "the Act of 1882"), section 3, it is, inter alia, enacted (1) that where there shall exist within the district of any local authority, to which the provisions of the seventy-sixth and eighty-ninth sections of the Act of 1867 respectively apply, a special water supply district, it should be competent to such local authority, upon requisition as therein provided, to meet and consider the propriety of altering the boundaries of such special water supply district, and to resolve upon such alteration of boundaries being effected either (1) by enlarging or limiting the said boundaries, or (2) by combining two or more such special water supply districts, or portions thereof, or (3) by enlarging or limiting the said boundaries, and combining two or more such special water supply districts, or portions thereof:

And whereas the Kirkcaldy District Committee of the County Council of the county of Fife (herein-after called "the District Committee") are, in pursuance of the Local Government (Scotland) Act, 1889, the local authority in the room and place of the parochial boards of the said parishes of Wemyss and Markinch, under the Act of 1867, and Acts amending that Act.

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And whereas on the thirtieth day of July, one thousand eight hundred and ninety-two, the District Committee resolved that the boundaries of the said special water supply district of East Wemyss, formed as aforesaid, should be altered (first) by enlarging such boundaries so as to include the remainder of the parish of Wemyss, but excepting therefrom (A) that portion of the parish of Wemyss which, prior to the making of the order of the Boundary Commissioners for Scotland, of date the twenty-fourth day of November, one thousand eight hundred and ninety, and confirmed by Order in Council of date the twelfth day of January, one thousand eight hundred and ninety-one, and published in the Edinburgh Gazette of date the twenty-seventh day of January, one thousand eight hundred and ninety-one, formed part of the parish of Markinch. and comprehends the said special water supply district of Innerleven; and (B) that portion of the said parish of Wemyss outwith the said special water supply district of Innerleven, situate within the police burgh of Buckhaven, Methil, and Innerleven; and (second) by combining the said special water supply district of East Wemyss as so enlarged with the said special water supply district of Innerleven, formed as aforesaid, with the exception of that portion of the special water supply district of Innerleven as was then, and is now, situated within the police burgh of Buckhaven Methil, and Innerleven; and that such combined district should be thereafter called "the combined special water supply district of Wemyss":

And whereas on the twenty-third day of August, one thousand eight hundred and ninety-two, the Commissioners of Police of the burgh of Buckhaven, Methil, and Innerleven (herein-after called "the Commissioners") as the local authority of that burgh, resolved in terms of the said section 3 of the Act of 1882 to alter the boundaries of the special water supply district of Buckhaven, formed by the parochial board of Wemyss, then the local authority therein, at a meeting held on the tenth day of January, one thousand eight hundred and sixty-eight, by enlarging such boundaries and defining the boundaries of such special water supply district to be as follows: commencing at low-water mark at a point immediately to the south of the south corner, formerly William Scott's, now Alexander Patrick's feu, then westerly by said low-water mark until a point is reached twenty feet south-west of the westmost pier of Buckhaven Harbour; then northerly by and in a line of the eastern water's edge of the Den Burn until it touches the north fence of the Buckhaven section of the North British Railway; thence eastwards by said fence until the branch line leading into Muiredge Colliery is reached; thence northerly by the west fence of said line until a point is reached opposite to the north-westmost corner of the hearse house in Brown's wood yard; then eastward by the north fence of Brown's feu until the fence on the west side of the old public road, and which now leads into the Buckhaven Railway goods yard, is reached; thence southward until the north fence of the said Buckhaven Railway is again reached; thence eastward by said north fence until a point is reached in line with the south-east corner of Muiredge Plantation; thence northward by said plantation until a point is reached in line with the fence at the top of the ridge of the hill lying immediately to the north of the railway and of the

low road leading to Methil; thence by and in line with said fence eastwards, until the road leading to Methil is reached; thence across said road and by and in line with the fence on the ridge of the field lying to the east of said road until the road leading to Mary Pit is reached; thence across said road and easterly by and in line with the fence running eastwards from said road until the north-eastmost point of the eastmost feu in Innerleven or Dubbieside is reached, and there touches the boundary line of what was formerly the detached portion of the parish of Markinch; thence in a southerly and westerly direction along said boundary till the north-westmost corner of Innerleven Feus (within the formerly detached portion of Markinch) is reached; and then in a south and easterly direction along said boundary in a straight line to low-water mark; thence westerly by said low-water mark until a point is reached opposite to and in line with the east face of the eastmost wall of Methil Dock; thence northwards in line and along said fence until the northmost rail of the line of railway running from Leven to Buckhaven is reached; thence along said northmost rail in a westerly direction until a point is reached one hundred and forty feet from the east side of the bridge carrying the railway over the road from Buckhaven Links to Methil; thence by a straight line due south to low-water mark; thence by said low-water mark westwards to the foresaid point immediately to the south of the south-east corner of the said William Scott's, now Alexander Patrick's feu; and thereafter by combining such special water supply district as so enlarged with the said special water supply district of Innerleven, with the exception of that portion of the special water supply district of Innerleven which is now situate outwith the police burgh of Buckhaven, Methil, and Innerleven, such combined district to be thereafter called "the combined special water "supply district of Buckhaven, Methil, and Innerleven":

And whereas by the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Act of 1867, and Acts amending the same, were transferred to, vested in, and imposed on the Secretary for Scotland:

And whereas a petition under the provisions of the Act of 1867 has been presented to me as the Secretary for Scotland, by the District Committee and the Commissioners as the local authorities aforesaid, setting forth among other things that the supply of water to the said combined special water supply districts is insufficient, and that it would be of great local advantage and conducive to the public health if the Petitioners were enabled to provide and obtain a more abundant and better supply of water for the domestic use of the inhabitants and occupiers of houses and lands within the combined special water supply district of Wemyss and the combined special water supply district of Buckhaven, Methil, and Innerleven, and adjoining or near to those districts, and for public baths and wash-houses, and for trading or manufacturing purposes within the said combined special water supply districts, or adjoining or near thereto, and for a supply to the inhabitants and occupiers of houses and lands adjoining or near to any part of the intended works herein-after described, and to the local authority of the burgh of Markinch, and to any other special water supply district or districts

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And whereas on the thirtieth day of July, one thousand eight hundred and ninety-two, the District Committee resolved that the boundaries of the said special water supply district of East Wemyss, formed as aforesaid, should be altered (first) by enlarging such boundaries so as to include the remainder of the parish of Wemyss, but excepting therefrom (A) that portion of the parish of Wemyss which, prior to the making of the order of the Boundary Commissioners for Scotland, of date the twenty-fourth day of November, one thousand eight hundred and ninety, and confirmed by Order in Council of date the twelfth day of January, one thousand eight hundred and ninety-one, and published in the Edinburgh Gazette of date the twenty-seventh day of January, one thousand eight hundred and ninety-one, formed part of the parish of Markinch and comprehends the said special water supply district of Innerleven; and (B) that portion of the said parish of Wemyss outwith the said special water supply district of Innerleven, situate within the police burgh of Buckhaven, Methil, and Innerleven; and (second) by combining the said special water supply district of East Wemyss as so enlarged with the said special water supply district of Innerleven, formed as aforesaid, with the exception of that portion of the special water supply district of Innerleven as was then, and is now, situated within the police burgh of Buckhaven Methil, and Innerleven; and that such combined district should be thereafter called "the combined special water supply district of Wemyss":

And whereas on the twenty-third day of August, one thousand eight hundred and ninety-two, the Commissioners of Police of the burgh of Buckhaven, Methil, and Innerleven (herein-after called "the Commissioners") as the local authority of that burgh, resolved in terms of the said section 3 of the Act of 1882 to alter the boundaries of the special water supply district of Buckhaven, formed by the parochial board of Wemyss, then the local authority therein, at a meeting held on the tenth day of January, one thousand eight hundred and sixty-eight, by enlarging such boundaries and defining the boundaries of such special water supply district to be as follows: commencing at low-water mark at a point immediately to the south of the south corner, formerly William Scott's, now Alexander Patrick's feu, then westerly by said low-water mark until a point is reached twenty feet south-west of the westmost pier of Buckhaven Harbour; then northerly by and in a line of the eastern water's edge of the Den Burn until it touches the north fence of the Buckhaven section of the North British Railway; thence eastwards by said fence until the branch line leading into Muiredge Colliery is reached; thence northerly by the west fence of said line until a point is reached opposite to the north-westmost corner of the hearse house in Brown's wood yard; then eastward by the north fence of Brown's feu until the fence on the west side of the old public road, and which now leads into the Buckhaven Railway goods yard, is reached; thence southward until the north fence of the said Buckhaven Railway is again reached; thence eastward by said north fence until a point is reached in line with the south-east corner of Muiredge Plantation; thence northward by said plantation until a point is reached in line with the fence at the top of the ridge of the hill lying immediately to the north of the railway and of the

low road leading to Methil; thence by and in line with said fence eastwards, until the road leading to Methil is reached; thence across said road and by and in line with the fence on the ridge of the field lying to the east of said road until the road leading to Mary Pit is reached; thence across said road and easterly by and in line with the fence running eastwards from said road until the north-eastmost point of the eastmost feu in Innerleven or Dubbieside is reached, and there touches the boundary line of what was formerly the detached portion of the parish of Markinch; thence in a southerly and westerly direction along said boundary till the north-westmost corner of Innerleven Feus (within the formerly detached portion of Markinch) is reached; and then in a south and easterly direction along said boundary in a straight line to low-water mark; thence westerly by said low-water mark until a point is reached opposite to and in line with the east face of the eastmost wall of Methil Dock; thence northwards in line and along said fence until the northmost rail of the line of railway running from Leven to Buckhaven is reached; thence along said northmost rail in a westerly direction until a point is reached one hundred and forty feet from the east side of the bridge carrying the railway over the road from Buckhaven Links to Methil; thence by a straight line due south to low-water mark; thence by said low-water mark westwards to the foresaid point immediately to the south of the south-east corner of the said William Scott's, now Alexander Patrick's feu; and thereafter by combining such special water supply district as so enlarged with the said special water supply district of Innerleven, with the exception of that portion of the special water supply district of Innerleven which is now situate outwith the police burgh of Buckhaven, Methil, and Innerleven, such combined district to be thereafter called "the combined special water "supply district of Buckhaven, Methil, and Innerleven":

And whereas by the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Act of 1867, and Acts amending the same, were transferred to, vested in, and imposed on the Secretary for Scotland:

And whereas a petition under the provisions of the Act of 1867 has been presented to me as the Secretary for Scotland, by the District Committee and the Commissioners as the local authorities aforesaid, setting forth among other things that the supply of water to the said combined special water supply districts is insufficient, and that it would be of great local advantage and conducive to the public health if the Petitioners were enabled to provide and obtain a more abundant and better supply of water for the domestic use of the inhabitants and occupiers of houses and lands within the combined special water supply district of Wemyss and the combined special water supply district of Buckhaven, Methil, and Innerleven, and adjoining or near to those districts, and for public baths and wash-houses, and for trading or manufacturing purposes within the said combined special water supply districts, or adjoining or near thereto, and for a supply to the inhabitants and occupiers of houses and lands adjoining or near to any part of the intended works herein-after described, and to the local authority of the burgh of Markinch, and to any other special water supply district or districts

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adjoining or near to the said intended works for domestic, trading, manufacturing, and other purposes, under the provisions of the Act of 1867, and that for the purpose of affording such supply of water the Petitioners proposed under the provisions of the said last-mentioned Act and the Lands Clauses Acts, to purchase and take the lands, springs, streams, waters, roads, and property delineated on the plan and described in the book of reference thereto, both herein-after mentioned, or such of them as will or may be required to be taken or used for the purposes of the said water supply, and for or in connection with the execution of the following works, which are more particularly delineated and described on the said plan (that is to say) :—

1st. A reservoir to be situated on the Conland Burn, and on the lands adjacent thereto, commencing at a point in the said burn one thousand one hundred and ten yards or thereabout, and terminating by an embankment to be formed across the said burn at a point five hundred and seventy-seven yards or thereabout, both measured in a north-westerly direction, from the north-west corner of Coul Farm Steading, together with a byewash channel commencing at a point in the said burn one thousand one hundred and thirty yards or thereabout, and terminating at a point in the said burn five hundred yards or thereabout, both measured in a north-westerly direction, from the said north-west corner of Coul Farm Steading, and together with a road of access to said reservoir commencing by a junction with the public road called Balfarg Road, number thirty-six of the list of highways in the Kirkcaldy district of the county of Fife, seventy yards or thereabout south-west from Coul Mains, and terminating at or near the proposed embankment of said reservoir; which reservoir and byewash channel and road of access will be situated in the parishes of Falkland, Leslie, and Markinch, or some of them, all in the county of Fife ;

2nd. An aqueduct, conduit, or line of pipes, commencing in said parish of Markinch, in the reservoir above described, at a point near the intended embankment thereof, and terminating in the parish of Wemyss, in the county of Fife, in the existing service reservoir of the Wemyss Waterworks at Earl's Seat, which acqueduct, conduit, or line of pipes will be situated in, or will pass from, in, through or into the said parishes of Markinch, Leslie, and Wemyss, or one of them.

Together with such embankments, dams, sluices, weirs, gauges, filters and filtering beds, tanks, cisterns, cuts, road of access, and all other works and conveniences connected therewith, as may be necessary or convenient for the purposes of said works, and the giving of such supply of water ;

And to intercept and divert into the said intended works, or some of them, the waters of the stream called the Conland Burn, and of any affluents thereof above the embankment forming the point of termination of the intended reservoir herein-before mentioned, or so much of the said waters as may be required for the purposes aforesaid :

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And whereas the said petition further sets forth that the Petitioners had published the advertisements and deposited the plan and sections and book of reference, and served the notices required by the said section ninety of the Act of 1867, and prayed that a Provisional Order might be made in pursuance of the provisions of that Act, empowering the Petitioners to put in force, with reference to the lands, springs, streams, waters, roads, and property above mentioned, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas due inquiry having been directed and held in respect of the matters contained in the said petition, I have resolved to grant the prayer thereof, and a plan and sections of the said intended works above described, and also describing the lands, springs, streams, waters, roads, and other property intended to be taken for the purposes thereof, and of the said water supply, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees, or reputed lessees, and occupiers of such lands, springs, streams, waters, roads, and other property, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Fife, at his offices at Cupar and Kirkcaldy respectively:

Now, therefore, in pursuance of the powers contained in the Act of 1867, and transferred to and vested in me by the Secretary for Scotland Act, 1885, I, as the Secretary for Scotland, do, by this Provisional Order, under my hand and seal, direct that from and after the passing of an Act of Parliament confirming the same:

Local authorities may put in force powers of Lands Clauses Acts.

1. It shall be lawful for the District Committee and the Commissioners, as the local authorities aforesaid, to put in force with reference to the lands, springs, streams, waters, roads, and other property delineated and described on the said plan and in the said book of reference, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

Powers of lateral and vertical deviation.

2. In constructing the works herein-before and on the said plan described, the District Committee and the Commissioners may, where the line of any work shown on the said plan passes along any road and limits of lateral deviation are not marked thereon, deviate laterally from the line thereof as laid down on the said plan to the extent of the boundaries of the road, and elsewhere may deviate laterally from the lines laid down on the said plan to the extent of lateral deviation shown thereon, but not further in either case except with the consent of the owner of the lands through or on which the deviation is made; and may deviate vertically from the levels of the said works, as shown on the said sections, to any extent not exceeding five feet upwards and five feet downwards. Provided always that they shall not in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining wall of the reservoir herein-before described, of a greater height above the general surface of the ground than that shown on the said sections, and five feet in addition. Provided also that if they shall exercise the powers of vertical deviation hereby granted, they shall construct

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such embankment of such additional thickness at the base as shall be equal to five feet for every foot of additional height, and shall make a corresponding addition to the strength of any retaining wall. Provided also that they may erect any water-tower, stand-pipe, or other like work of any height which for the time being may be necessary or proper for the purposes of this Order.

Power to take wayleaves, &c.

3. The District Committee and the Commissioners may, in the execution of the aforesaid works, take wayleaves, easements, servitudes, or other limited rights over lands and other property, subject to such conditions as may be agreed on with the persons interested.

Compensation water.

4. The District Committee and the Commissioners shall, as soon as the waterworks herein-before mentioned and described on the said plan are completed, and water is supplied thereby to the said combined special water supply districts, discharge into, or allow to flow down the Conland Burn below the reservoir, being Work No. 1 herein-before described, a regular and continuous flow of water of not less than two hundred thousand gallons in every day of twenty-four hours, which quantity of water shall be deemed to be full compensation to all owners, lessees, and occupiers of lands, mills, works, and other properties, and to all other persons, for the water intercepted, taken, and appropriated under this Order.

Measuring gauge to be maintained.

5. The District Committee and the Commissioners shall construct, and at all times maintain in sufficient repair, a suitable measuring gauge on the Conland Burn, over or through which the said quantity of compensation water shall flow or be delivered, and which gauge shall be open to the inspection of all persons legally interested in the waters flowing down the Conland Burn.

For the protection of the North British Railway Company.

6. The following provisions for the protection of the North British Railway Company (herein-after called "the North British Company") shall (unless otherwise agreed between the District Committee and the Commissioners and the North British Company) apply and have effect, that is to say:—

(1.) The aqueduct, conduit, or line of pipes specified and described in this Order, where the same is intended to cross the Leslie Branch Railway and the Leven and East of Fife Branch Railway of the North British Company, as shown on the said plan, shall be carried under both those branch railways by means of an arch or culvert to be constructed for such purpose, if so required by the engineer of the North British Company, in such position within the limits of deviation and at such depth under the said railways, and in such manner as shall be determined by such engineer;

(2.) In laying down the aqueduct, conduit, or line of pipes in the road underneath the bridge carrying the company's main line of railway, situate five hundred yards or thereabouts southward of their station at Markinch, the work shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the North British Company;

(3.) All the works of the District Committee and the Commissioners which may in any way affect any railway of the North British Company, or any bridge or other work or any lands or property belonging to that Company shall be executed at the expense of the District Committee and the Commissioners, under the superintendence and to the reasonable satisfaction of the engineer of the North British Company, and according to plans and specifications to be previously submitted to such engineer and approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him, he shall be deemed to have approved thereof.

(4.) The District Committee and the Commissioners shall not enter upon or interfere with any railway, work, or land or property belonging to the North British Company, further or otherwise than may be necessary for constructing, maintaining, or effecting repairs to any works of the District Committee and the Commissioners, which may be laid under or across any such railway, work, land, or property, and they shall not alter or interfere with the lines or levels of any such railway or work, and they shall only acquire an easement or servitude through or in any land or property of the North British Company.

(5.) The works shall be constructed, altered, replaced, repaired, and maintained so that the traffic upon the railway of the North British Company shall not in anywise be impeded or interfered with, and such maintenance shall be effected under the superintendence and to the satisfaction of the engineer of the North British Company, and in all things at the expense of the District Committee and the Commissioners.

(6.) If, by reason of the construction, altering, replacing, repairing, or maintaining of the works, or any of them, or the failure of any of the works, or of the maintenance thereof or otherwise, the railway of the North British Company, or the works, land, or property connected therewith shall be injured, or the traffic thereon impeded, the District Committee and the Commissioners shall compensate the North British Company for all costs to which that company may be put in repairing such damage.

(7.) The District Committee and the Commissioners shall also indemnify the North British Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway, or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the District Committee and the Commissioners or any of their contractors, or their respective servants or workmen, and the amount of such damage or compensation shall be recoverable with full costs from the District Committee and the Commissioners by all and the same means as a simple contract debt is recoverable.

(8.) If any differences shall at any time arise between the District Committee and the Commissioners and the North British Company or their engineer with respect to any matter arising under this section, such

A.D. 1894.

difference shall be referred to and determined by an engineer to be agreed on, or, failing agreement, to be appointed by the Sheriff of Fifeshire, on the application of either the District Committee and the Commissioners or the North British Company.

Restriction on taking houses of labouring class.

7. The District Committee and the Commissioners shall not under the powers of this Order, purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Secretary for Scotland, ten or more houses which were not so occupied on the said fifteenth day of December, but have been, or shall be, subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Interpretation.

8. The expression "the special Act" in the Lands Clauses Acts shall mean and include this Order, and the Act confirming the same, and the expression "the Promoters of the undertaking" in the Lands Clauses Acts shall, with reference to this Order, mean the District Committee and the Commissioners; and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts, and shall include water and the right thereto.

Given under my hand and seal at Whitehall, this twenty-second day of March, in the year one thousand eight hundred and ninety-four.

(L.S.) GEORGE OTTO TREVELYAN.

Wemyss, &c. Water Provisional Order.

A

B I L L

To confirm a Provisional Order made by the Secretary for Scotland under the Public Health (Scotland) Act, 1867, relating to Wemyss, and Buckhaven Methil and Innerleven Water.

(*Prepared and brought in by The Lord Advocate and Mr. Solicitor-General for Scotland.*)

Ordered, by The House of Commons, *to be Printed*, 13 *April* 1894.

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[*Price* 1½*d.*]

[Bill 158.]

Wild Birds Protection Act (1880) Amendment.

MEMORANDUM.

The present Bill differs from a Bill on the same subject which the House of Commons passed through all its stages last year in that certain amendments made therein in the House of Lords are incorporated as alternative to the original provisions. Under the Bill as it is now presented county councils are empowered to apply for an order.

(1.) For the prohibition of taking eggs within specified areas;

(2.) For the prohibition of taking the eggs of named species of birds;

(3.) For the addition of any bird, not included in the schedule of the original Act, to the said schedule.

[Bill 134.]

A

B I L L

TO

Amend the Wild Birds Protection Act, 1880. A.D. 1894.

WHEREAS it is expedient to provide for the better protection of certain species of wild birds in the United Kingdom:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may for all purposes be cited as the Wild Birds Protection Act, 1894, and shall be construed as one with the Wild Birds Protection Act, 1880 (herein-after referred to as "the principal Act"), except as herein-after provided.

Prohibition of taking or destroying eggs.

2. A Secretary of State may, after the *passing of this Act*, upon application by the county council of any administrative county by order prohibit—

(1.) The taking or destroying of wild birds eggs in any year or years in any place or places within that county; or

(2.) The taking or destroying the eggs of any specified kind of wild birds within that county or part or parts thereof, as recommended by the said county council and set forth in the said order.

(3.) The application by the county council shall specify the limits of the place or places, or otherwise, the particular species of wild birds to which it is proposed that any prohibition in the order is to apply, and shall set forth the reasons on account of which the application is made.

Order as to application of principal Act to other birds.

3. A Secretary of State may, on the representation of the council of any administrative county, order that the principal Act shall apply within that county or any part or parts thereof to any species of wild bird not included in the schedule of that Act, as if that species of wild bird were included in the schedule of that Act, and on the making of such order that Act shall apply accordingly.

[Bill 134.]

A.D. 1894.

Publication of order.

4.—(1.) The council of an administrative county shall in every year give public notice of any order under this Act which is in force in any place within their county during the three weeks preceding the commencement of the period of the year during which the order operates.

(2.) Public notice under this section shall be given—

(*a.*) As regards each place in which an order operates, by advertising the order in two local newspapers circulating in or near that place;

(*b.*) By fixing notices of the order in conspicuous spots within and near each place in which the order operates; and

(*c.*) In such other manner as the Secretary of State may direct, or as the council may think expedient, with a view to making the order known to the public.

Penalties.

5. Any person who, after the *passing of this Act*, shall take or destroy, or incite any other person to take or destroy—

(*a*) the eggs of any wild birds within any area specified in the order; or

(*b*) the eggs of any species of wild bird named in the order,

shall, on conviction before any two justices of the peace in England, Wales, or Ireland, or before the sheriff in Scotland, forfeit and pay for every egg so taken or destroyed a sum not exceeding *one pound.*

Expenses.

6. Any expenses incurred by the council of a county under this Act may be defrayed by that council as expenses for general county purposes within the meaning of the Local Government Act, 1888, or, so far as respects Scotland, the Local Government (Scotland) Act, 1889.

51 & 52 Vict. c. 41.
52 & 53 Vict. c. 50.

Application to Scotland and Ireland.

7.—(1.) This Act shall apply to Scotland with the substitution of the Secretary for Scotland for a Secretary of State.

(2.) This Act shall apply to Ireland, with the substitution of the Lord Lieutenant for a Secretary of State, and of the grand jury for the council of an administrative county, and any expenses incurred in carrying this Act into effect in Ireland shall be defrayed out of grand jury cess.

Wild Birds Protection Act (1880) Amendment.

A

B I L L

To amend the Wild Birds Protection Act, 1880.

(*Prepared and brought in by Sir Herbert Maxwell, Sir John Lubbock, Mr. Joseph Pease, Mr. Loder, Sir William Ingram, and Captain Bagot.*)

Ordered, by The House of Commons, *to be Printed*, 3 *April* 1894.

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[*Price* 1*d.*]

[Bill 134.]

Wine and Beerhouse Acts Amendment.

MEMORANDUM.

The object of this Bill is to give to the licensing justices the same discretion in dealing with beerhouses and ciderhouses that they now possess in regard to fully-licensed publichouses and other places of refreshment.

As the law now stands the discretion of the magistrates in regard to this class of licensed houses is very limited. The justices cannot refuse to renew the licence of a beerhouse which has been in existence since 1869, except upon one or other of the following grounds, viz.:—(1) The character of the applicant; (2) Disorderly conduct of the house; (3) Previous bad conduct of the applicant; (4) Want of qualification on the part of the applicant or his premises.

The discretion which it is sought by the Bill to give to the justices the latter already possess as regards fully-licensed publichouses, and as regards, also, beerhouses themselves, if licensed for the first time since 1869. It has also been accorded to them by recent Acts of Parliament (The Beer Dealers Retail Licences Acts, 1880 and 1882) as regards other minor kinds of licences, but the old beerhouses have been left in an anomalous position.

It is this anomaly which the Bill is designed to rectify.

A

B I L L

TO

Amend the Law relating to the Licensing of Beerhouses and Places for the Sale of Cider and Wine by Retail in England and Wales. A.D. 1894.

WHEREAS by the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870, it is provided that it shall not be lawful for the licensing justices to refuse an application for a certificate for the sale of beer, cider, or wine, to be consumed on the premises in respect of premises for which a licence was in force on the first of May, one thousand eight hundred and sixty-nine, and has been continuously granted by way of renewal ever since, except upon one or more of the grounds specified in the first-mentioned of the said Acts:

And whereas it is expedient that the justices should be at liberty to exercise their discretion respecting the grant of such certificates as fully as they are in respect of the granting of licences to keepers of inns, alehouses, and victualling houses:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title; extent; interpretation.

1. This Act may be cited as "The Wine and Beerhouse Act, 1894," and shall not extend to Scotland or Ireland, and words therein shall have the same meaning as in the Licensing Act, 1872.

Justices to have discretion in licensing in respect to premises licensed on

2. Section nineteen of the Wine and Beerhouse Act, 1869, and section seven of the Wine and Beerhouse Act Amendment Act, 1870, are hereby repealed, and notwithstanding anything in the said Acts, or in any other Act now in force, the licensing justices shall be at liberty, in their free and unqualified discretion, either to

A.D. 1894.

1st May 1869 and continuously licensed ever since.

refuse a certificate for any licence for sale of beer, cider, or wine by retail, to be consumed on the premises, on any grounds appearing to them sufficient, or to grant the same to such person as they, in the execution of their statutory powers, and in the exercise of their discretion, deem fit and proper.

Wine and Beerhouse Acts Amendment.

A

B I L L

To amend the Law relating to the Licensing of Beerhouses and Places for the Sale of Cider and Wine by Retail in England and Wales.

(*Prepared and brought in by Mr. Herbert Lewis, Mr. Courtney, Colonel Bridgeman, Mr. Crosfield, Mr. Snape, and Mr. Herbert Roberts.*)

Ordered, by The House of Commons, *to be Printed*, 25 *May* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 250.]

A

B I L L

TO

Abolish the Elective Disabilities of Women.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Women to have right of voting.

1. In all Acts of Parliament relating to the right to vote at parliamentary, municipal, local, and other elections, words importing the masculine gender shall be deemed to include women.

No woman shall be subject to legal incapacity from voting at such elections by reason of coverture.

Short title.

2. This Act may be cited as the Women's Disabilities Removal Act, 1894.

Women's Franchise.

A

B I L L

To abolish the Elective Disabilities of Women.

(*Prepared and brought in by*
Dr. Clark, Mr. Jacob Bright, Mr. Cameron Corbett, Sir Charles Dilke, Mr. Justin M'Carthy, Mr. C. B. M'Laren, Sir Albert Rollit, Mr. Stansfeld, Sir W. Wedderburn, and Mr. John Wilson (*Durham*).)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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[*Price* ½*d.*]

[Bill 104.]

A

B I L L

TO

Give Facilities for the acquisition by Working Men of their own Dwelling-Houses. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Advances by local authority to workmen for purchase of dwelling-house.

1.—(1.) Any local authority may, if they think fit, make advances under the provisions of this Act to any workman to whom this Act applies for the purchase by such workman of the freehold or leasehold interest in the dwelling-house in which he resides or intends to reside.

(2.) Before a local authority makes any such advance, they must be satisfied—

(*a*) that the workman actually resides, or bonâ fide intends to reside in the dwelling-house, in respect of which the advance is applied for;

(*b*) that the title to the dwelling-house is good, that the sale is made in good faith, and that the price is reasonable; and

(*c*) that the dwelling-house is in a sanitary and tenantable condition.

Restrictions on advances.

2. Advances by a local authority under this Act shall be subject to the following restrictions:—

(*a.*) The local authority shall not make any advance where the present value of all outstanding advances made by them under this Act exceeds *one-eighth* of the rateable value of the district according to the valuation lists for the time being in force, or if there is no such list, according to the last poor rate.

(*b.*) The local authority shall not advance more than *one hundred and fifty pounds* to any one workman, nor any sum to one workman in respect of more dwelling-houses than one.

A.D. 1894.

(*c.*) The local authority shall not make any advance in the case of a leasehold interest where the unexpired term is less than *seventy years.*

Regulations as to purchase and advance.

3.—(1.) Every purchaser shall within such time, not less than *one month* after the purchase, as is fixed by rules under this Act, complete the purchase.

(2.) On such completion he shall pay not less than *one fourth* of the purchase money, and the local authority shall pay, by way of advance, (*a*) not more than *three-fourths* of the purchase money, and (*b*) the cost of the transfer; so, however, that the whole of the moneys advanced by the local authority do not exceed *one hundred and fifty pounds.* The costs of the transfer shall be payable according to the prescribed scale, and shall include costs of investigation of title, registration, and other necessary legal expenses.

(3.) The advance made by the local authority shall be secured by a charge on the dwelling-house in favour of the local authority, and shall be repaid by a terminable annuity with such interest at such intervals, and within such term not exceeding *thirty* years from the date of the advance, as may be agreed upon with the local authority.

(4.) Every such annuity, or any portion of it, at any time outstanding, may be redeemed in whole or in part by the person liable to pay such annuity, by payment to the local authority, after not less than *three months* notice in writing, of a sum equivalent to the then value of such annuity, or of such portion of it as is sought to be redeemed, such value to be calculated in accordance with tables fixed by the local authority.

Conditions affecting houses subject to charge for advances.

4. (1.)—Every dwelling-house purchased by a workman under this Act, shall, so long as any part of the advance remains unpaid, be held subject to the following conditions :—

(*a.*) That any periodical payments due in respect of the advance shall be duly paid.

(*b.*) That the dwelling-house shall be kept insured against fire, to the satisfaction of the local authority.

(*c.*) That the dwelling-house shall not, except in accordance with rules under this Act, be sold, assigned, let, or sub-let.

(*d.*) That the dwelling-house shall comply with such requirements as the local authority may impose for securing healthiness and freedom from overcrowding.

(*e.*) That the dwelling-house shall not be used for the sale of intoxicating liquors, or for any purpose other than that of

a dwelling-house. Provided that for the purposes of this enactment, a house in which a workman both dwells and carries on his trade or employment shall be deemed to be a dwelling-house.

(2.) If any such condition is broken, the local authority may, after giving the owner an opportunity of remedying the breach, if it is capable of remedy, cause the dwelling-house to be sold.

(3.) If, on the decease of the owner, while the dwelling-house is subject to the conditions imposed by this section, the dwelling-house would, by reason of any devise, bequest, intestacy or otherwise, become sub-divided, the local authority may in their discretion require the dwelling-house to be sold in accordance with rules under this Act within *twelve months* after such decease to some one person, and if default is made in so selling the dwelling-house, the local authority may cause the dwelling-house to be sold.

(4.) The local authority may, under the powers of this section, cause any dwelling-house to be sold by public auction or private contract, and, subject to any provisions of this Act, under any conditions of sale they may think expedient, and after such notice of the time, place, terms and conditions of such sale as seem to them just and expedient.

(5.) Any sale by the local authority under this section, may be made either subject to the charge in respect of purchase money, or free wholly or partly from such charge, provided that—

(*a.*) in the case of sale by private contract, the offer of any workman to whom this Act applies, provided that he be willing to take the dwelling-house on the same terms as those agreed upon with the person to whom the advance was made in the first instance, shall be preferred to the offer of any person to whom this Act does not apply, and, in such case, the provisions of this Act with respect to advances by local authority shall apply in like manner as if the sale were the first sale of a dwelling-house under this Act;

(*b.*) no sale, subject wholly or partly to the charge, shall be made to any person to whom this Act does not apply.

(6.) The local authority shall apply the proceeds derived from a sale under this section in discharge of any unpaid purchase money for the dwelling-house, or in redemption of any terminable annuity charged on the said dwelling-house, or of so much thereof as remains unpaid, which is not to continue a charge on the dwelling-house, and in payment of all expenses incurred by them in relation to such sale, and, subject as aforesaid, shall pay them

A.D. 1894.

to the person appearing to the local authority to be entitled to receive the same.

Provided that any part of the amount advanced by the local authority, which shall be outstanding after the proceeds of the sale shall have been applied as aforesaid, shall be deemed to be a debt due to the local authority by the person to whom the advance was made, and shall be recoverable accordingly.

List and plan to be kept by local authority.

5. Every local authority by whom advances are made under this Act shall keep a list of the owners and occupiers of dwelling-houses in respect of which any advances made by them are outstanding and a map or plan showing the situation of each such dwelling-house.

Supplementary.

Borrowing powers of local authority.

6.—(1.) The London County Council may borrow for the purposes of this Act in accordance with the London County Council Money Acts for the time being in force, and any other local authority may so borrow in accordance with the Public Health Act, 1875, except that the money so borrowed shall, notwithstanding anything in that Act, be repaid within such period not exceeding *thirty-five years* as the local authority, with the consent of the Local Government Board, determine in each case, and that in determining the amount which may be borrowed for the purposes of this Act, any outstanding loans of the local authority under the Sanitary Acts or the Public Health Act, 1875, shall not be taken into account.

(2.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a local authority for the purposes of this Act.

(3.) Every loan by the Public Works Commissioners in pursuance of this Act shall bear such rate of interest not less than *three pounds two shillings and sixpence* per centum per annum as the Treasury may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

(4.) Any capital money received by a local authority in repayment of an advance made by them shall be applied in repayment of the principal of any loan raised for the purposes of this Act, or be paid into a sinking fund for that purpose, or be applied with the sanction of the Local Government Board either in repayment of any other debt or for any other purpose for which capital money may be applied.

(5.) The expenses incurred under this Act shall, in the case of an urban sanitary authority, be defrayed out of the fund or rate applicable to their general expenses under the Public Health Acts, and,

in the case of a rural sanitary authority, be defrayed as special expenses incurred in the execution of the said Acts; and any money borrowed by a sanitary authority under this Act shall be borrowed on the security of the fund or rate out of which their expenses under this Act are payable. Separate accounts shall be kept by every local authority of their receipts and expenditure under this Act, and such accounts shall be audited by the same person, at the same time, in the same manner, and with the same incidents and consequences as the accounts of the other receipts and expenditure of the local authority.

Rules.

7. The Local Government Board may make rules for carrying this Act into effect, and in particular may make provision—

(*a.*) as to the manner of applying for and making advances under this Act;

(*b.*) for the payment by the local authority, on behalf of the workman to the vendor or other person entitled thereto, of the moneys advanced by the local authority;

(*c.*) for the custody of the title deeds of the land or dwelling-house, so long as any part of the advance and interest thereon remains unpaid;

(*d.*) as to the terms and conditions of sale by the local authority;

(*e.*) for the settlement of disputes by arbitration; and

(*f.*) for prescribing such other matters as are directed to be prescribed, or are necessary for carrying into effect the purposes of this Act.

Interpretation.

8. For the purposes of this Act, the expression "local authority" means in London the London County Council, and elsewhere the urban or rural sanitary authority, as the case may be, within the meaning of the Public Health Acts, and the expression "district" in relation to a rural sanitary authority, means the contributory place in which the dwelling-house is situate in respect of which an advance is proposed to be made.

The expression "workman" means any mechanic, artisan, labourer, or other person working for wages, or any person not working for wages, but working at some trade or handicraft, whose income does not exceed an average of *three pounds* a week, and includes any clerk, or shop or warehouse assistant whose income does not exceed the rate of one hundred and fifty pounds per annum.

Commencement, extent, and short title.

9.—(1.) This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five.*

(2.) This Act shall not extend to Scotland or Ireland.

(3.) This Act may be cited as the Workmen's Dwellings Acquisition Act, 1894.

Working Men's Dwellings.

A

B I L L

To give Facilities for the acquisition by Working Men of their own Dwelling-Houses.

(*Prepared and brought in by*
Mr. Wrightson, Sir John Gorst,
Mr. James Lowther, Sir Alfred Hickman,
Mr. Jesse Collings, Mr. Graham,
and Mr. Bartley.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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[Bill 75.]

A

B I L L

TO

Make provision with respect to the Tenure of the Houses of Workmen in certain Employments. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Tenure of houses of miners and railway servants.

1. Where any person employed in a coal mine, or in the service of a railway company, occupies a house belonging to the owner of the mine or to the railway company respectively either as a tenant or in consideration of his services, the occupation shall not be terminated until after *three months* notice by either party or by mutual consent.

Definition. 50 & 51 Vict. c. 58. s. 75.

2. The expression "owner" has the same meaning as in the Coal Mines Regulation Act, 1887.

Short title.

3. This Act may be cited as the Tenure of Workmen's Houses Act, 1894.

[Bill 106.]

Workmen's Houses Tenure.

A

B I L L

To make provision with respect to the Tenure of the Houses of Workmen in certain Employments.

(*Prepared and brought in by Mr. Donald Crawford, Mr. John Wilson (Govan), Mr. John Wilson (Durham), and Mr. Philipps.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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[*Price* ½*d.*]

[Bill 106.]

A

B I L L

FOR

Authorising the Treasury to indemnify the Bank of England with respect to the Transfer of Consolidated Bank Annuities standing in the name of the late Sultan of Zanzibar. A.D. 1894.

WHEREAS there are now standing in the name of His Highness Seyyid Ali bin Said bin Sultan, Sultan of Zanzibar, in the books of the Bank of England the sum of two hundred and four thousand nine hundred and eleven pounds six shillings and nine pence Consolidated Bank Annuities, and certain sums of cash representing dividends thereon:

And whereas the said Sultan is dead, and difficulties have arisen as to the mode in which the said sum of Bank Annuities shall be transferred and as to the receipt of the said cash:

And whereas the present Sultan of Zanzibar has executed the agreement set forth in the schedule to this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Treasury to indemnify Bank of England in respect of certain transfers and payments.

1. The Treasury are hereby authorised to indemnify the Bank of England against any liability which the Bank may incur by reason of their acting in any transfer of the said Consolidated Bank Annuities, and the payment and receipt of the dividends thereon; and any money payable in pursuance of this indemnity shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

Short title.

2. This Act may be cited as the Zanzibar Indemnity Act, 1894.

[Bill 308.]

A.D. 1894.

SCHEDULE.

I Seyyid Hamid bin Thwain bin Said, Sultan of Zanzibar, hereby charge the public revenues and property of the State of Zanzibar with repayment to Her Britannic Majesty's Treasury of any money which may be paid by Her Majesty's Treasury under an indemnity against any liability arising in consequence of any transfer by the Bank of England to or on behalf of the State of Zanzibar of the sum of two hundred and four thousand nine hundred and eleven pounds six shillings and nine pence consolidated bank annuities standing in the books of that Bank in the name of his Highness Seyyid Ali bin Said bin Sultan, the late Sultan of Zanzibar.

(Signed) Hamid bin Thwain bin Said,
Sultan of Zanzibar.

Countersigned
Arthur H. Hardinge,
Her Majesty's Agent and Consul-General.

Dated the 30th day of June 1894.

Zanzibar Indemnity.

A

B I L L

For authorising the Treasury to indemnify the Bank of England with respect to the Transfer of Consolidated Bank Annuities standing in the name of the late Sultan of Zanzibar.

(*Prepared and brought in by Mr. Mellor, Sir John Hibbert, Mr. Chancellor of the Exchequer, and Sir Edward Grey.*)

Ordered, by The House of Commons, *to be Printed*, 9 *July* 1894.

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[Bill 308.]

16 MAR 1971